UNITED NATIONS

HRI

International Human Rights Instruments

Distr.
GENERAL

HRI/CORE/1/Add.107
10 January 2000

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

PALAU

[21 October 1998]

I. LAND AND PEOPLE

A. The land

Area

1. The Republic of Palau comprises the westernmost group of the Caroline Islands in Micronesia, lying 500 miles equidistant from the Philippines to the west and Papua New Guinea to the south. Guam is located 810 miles to the north-east. Palau is comprised of 340 islands with a total land mass of 188 square miles. Babeldaob, the largest island, contains 129 square miles. To the north of Babeldaob lie the atolls of Ngaruangel and Kayangel; to the immediate south, connected to Babeldaob by bridge, lies the island complex of Koror, Meyuns, and Malakal, the centres of Government and commerce and home to nearly 70 per cent of Palau's 17,225 residents (1995 census).

2. Koror is the gateway to some 300 limestone islands to the south, collectively known as the "Rock Islands", the beauty and uniqueness of which are world renowned. Further south, but still within one hour's travel time by speedboat, lie the islands of Peleliu and Angaur. Some 200-300 miles to the extreme south, accessible only by ship, lie the sparsely populated and ethnically distinct Southwest Islands of Sonsorol, Hatohobei, Pulo Anna, Merir, and Helen's Reef.

3. A barrier reef 70 miles long and up to 20 miles wide surrounds Koror, Babeldaob, and Peleliu, forming a 560 square mile lagoon. The larger maritime Exclusive Economic Zone encompasses 237,830 square miles and holds substantial marine resources.

Climate

4. Palau's climate is maritime tropical with an average temperature of 82 degrees Fahrenheit and an average humidity of 82 per cent; there are virtually no seasonal variations. Rainfall averages 150 inches per year without strongly demarcated rainy and wet seasons. Although Palau lies south of the typhoon belt, occasional typhoons do strike, resulting in damage to vegetation and property.

B. The people

5. Palau's geographic location has placed it on the threshold of the Pacific. Through the centuries, numerous waves of migrants have crossed Palau en route from the Asian mainland to the widely dispersed islands of Oceania. Today, among ethnic Palauans, many diverse ethnic features can be observed, including Polynesian, Malayan, and Melanesian. In recent years, there has been a considerable Asian-Caucasian admixture.

6. In 1995, 17,225 persons resided in Palau of whom 13,120 were ethnic Palauans and 4,105 were non-Palauans (1995 census). It is further estimated that some 7,000 ethnic Palauans reside abroad, primarily in Guam, the Commonwealth of the Northern Mariana Islands, Hawaii and California.

7. Demographic trends include:[1]

(a) Declining fertility among ethnic Palauans with the average woman now having fewer than four children during her reproductive years (down from 7.7 children in 1973);

(b) A declining natural growth rate among ethnic Palauans, although per annum growth at 1.8 per cent is still well above replacement levels, natural growth is offset by out-migration resulting in negligible growth in the ethnic Palauan segment of the population (average 0.6 per cent per annum growth, 1990-1995);

(c) Despite low growth rates among the ethnic Palauan segment of the population, the overall rate of population growth is high at 2.4 per cent per annum (1990-1995), this is due to rapid growth in the non-Palauan segment of the population (average 9.8 per cent growth per annum, 1990-1995) which reflects a high demand for foreign labour to fuel a rapidly expanding economy;

(d) In 1973, at the height of the American colonial presence, the non-Palauan segment of the population comprised only 4 per cent of the total; by 1995, the non-Palauan segment had increased to 24 per cent and by 1997, to an estimated 33 per cent; rapid growth strains infrastructure and services while changing ethnic composition fuels ethnic tensions;

(e) The vast majority of non-Palauan residents are of Asian descent (85 per cent), and are workers (80 per cent) or dependants of workers (10 per cent);

(f) Palau is extensively urbanized with over 70 per cent of the population resident in the adjacent states of Koror-Airai; however, a road circumnavigating Babeldaob will be completed by the year 2000; this is expected to result in a substantial population shift out of Koror and into the rural states of Babeldaob.[2]

8. Two indigenous languages are spoken in Palau: Palauan, which is the language of the main archipelago, and Sonsorolese-Tobian, which is the language of the Southwest Islands. English is the language of Government and commerce and is spoken by the majority of the people. Many older Palauans are also conversant in Japanese.

9. The Christian religion was introduced into Palau by Spanish missionaries in the early years of European contact. Today, over 90 per cent of residents are affiliated with a religious organization including the Catholics (44 per cent of the population), Evangelical Protestants (25 per cent), Modekngei (11 per cent), Seventh Day Adventists (5 per cent), and a variety of smaller, predominately Christian, denominations (6.5 per cent).[3]

10. Traditionally, and continuing in large measure today, kinship is the core of social relations in Palau. Every Palauan has a defined role, status, and behaviour based on kinship. Every Palauan defines every other Palauan as kin or non-kin.[4]

11. Palau's basic social unit is a single, ancestral biological kin group comprised of a mother and her children. A number of these basic units descended from a specific woman form a family, and several related families constitute a clan. Ideally, a village, the social and political unit, consists of 10 clans. The male leader of each clan is chosen by the ranking female members of the clan and forms with other clan leaders the village council. A separate, but equal, women's council is comprised of the ranking female leaders. Clans are ranked and the male leader of the highest-ranking clan serves as the chief of the village. The chief is not a sole ruler but must use diplomacy and persuasion to maintain the support of his constituents. Should his rule prove unsatisfactory, there are mechanisms for his replacement.

12. This traditional system of governance retains considerable authority today with customary law recognized under the Constitution and the legal code as equally authoritative to codified law. A National Council of Chiefs, consisting of the ranking chiefs from each of the 16 states, advises the President on traditional and customary matters.

13. Palauans are highly group-oriented - traditionally, Palauans were born, lived, and died in a group. Decisions of importance relating to an individual, as well as those relating to society in general, were made and enforced by the group. Today, Palauans retain a strong group orientation placing high value on: respect; sharing and cooperation; participation in community activities; work; responsibility and self-reliance; spirituality; and humility. Western influences, however, result in ongoing tension between competing and sometimes incompatible values.[5]

II. HISTORIC OVERVIEW

14. In the era preceding European contact, Palauans believed Palau to be a unique and complete world closed unto itself and extending to a point just beyond the horizon. To the early Palauans, the culture of Palau was created in Palau. It was not a borrowed set of practices but a distinctly Palauan way of life.[6]

15. The first recorded European contact occurred in 1564, but it was another 200 years before sustained contact was initiated in 1783 following the wreck of the English vessel Anteiope on the reef at Ulong. From this time, various colonial powers - British, French, German, Russian, Japanese and American - began to compete for political control, a competition which continued for 125 years. Although establishing no permanent presence, these early visitors wrought massive changes in Palauan society from introduced diseases which decimated the population and firearms which intensified inter-village rivalry.

16. Beginning with formal establishment of a Spanish protectorate in 1891, foreign influence intensified, Palauans came to be inundated by cultural changes brought by the Church, schools, and the foreign-imposed Government. Change in Palau has been a story of resistance and pragmatic acceptance. Resistance resulted from the tenacity of the indigenous view of Palau as a unique and complete world universe. However, the social power, prestige, and wealth brought by foreigners influenced acceptance among the naturally competitive Palauans.[7]

17. During a brief eight-year reign (1891-1899), Spain exercised only nominal political control. Spain's major contribution to social change was the introduction of Christianity.

18. Change accelerated during the German period (1899-1914). Germany established a resident Government, initiated widespread economic development based on copra production and bauxite mining, and instituted social reforms which began to transform traditional Palauan society. German public health measures indirectly undermined the traditional system of village clubs - an important part of the educational and socialization process for young people. Many clubhouses were burned to control the spread of communicable diseases, but seldom rebuilt, in part because the population, drastically depleted by foreign-introduced diseases, lacked sufficient labour to undertake traditional community work. German edict outlawed inter-village warfare, discouraged tattooing, and limited the authority of chiefs to collect fines and tribute. By creating an economy based on Western money rather than the traditional Palauan udoud (ceramic money), opportunities were created for lower-ranking individuals to obtain wealth and associated prestige, thereby undermining chiefly power which was derived, in part, from manipulation of wealth. Germany also introduced the first foreign workers to Palau by importing labourers from other areas of Micronesia to offset the shortage of Palauan labour resulting from depopulation.

19. In 1914, at the outbreak of the First World War, Japanese naval squadrons took military possession of Palau, along with the Marshalls, the Carolines and the Marianas (except for Guam). Following the War, Japan continued to rule Palau under a mandate from the League of Nations. The League's mandate obligated Japan to "promote the material and moral well-being and social progress of Palauans, to abolish slavery, traffic in arms, and alcoholic beverages, to refrain from building military bases, and to permit freedom of worship and missionary activity"

20. Japanese rule ushered in an era of tumultuous change. The Japanese attitude towards Palau differed from that of the Germans and the Spanish, for Japan intended to permanently integrate Palau into the greater Japanese Empire. Palau was to be remade in the image of Japan, and thousands of Japanese colonists were settled in Palau to hasten amalgamation. A formal, albeit limited, system of education was introduced for Palauans (three years of compulsory instruction followed by two further years of optional schooling for the most able). Economic development accelerated. These changes created many new opportunities for young, able Palauans to gain relative wealth and prestige independent of their status in traditional Palauan society.

21. Palau was the scene of bitter fighting during the Second World War. Little of the pre-war infrastructure survived. Upon assuming control in 1944, the American naval administration was challenged to respond to the urgent needs of a people on the brink of mass starvation. Development had to resume virtually from scratch.

22. In 1947, the United Nations established the Trust Territory of the Pacific Islands, consisting of what are today the Republics of Palau and the Marshall Islands, the Federated States of Micronesia and the United States Commonwealth of the Northern Mariana Islands. Administered by the United States, the early years of the Trusteeship were characterized by limited resources and a much slower pace of development than Palauans had been accustomed to during the Japanese era. Beginning in the 1960s, development accelerated and with it government budgets and payrolls expanded. Thousands of islanders were sent abroad for schooling while increasingly sophisticated health care was made available at home. The implicit goal was to create within Micronesia a standard of living at least equivalent to that enjoyed by a rural United States community. However, social development outpaced economic development and the standard of living came to exceed that which Palauans could realistically pay for from domestic resources.

23. Negotiations on post-Trusteeship political status were initiated in the early 1970s and culminated at 1 p.m. on 1 October 1994 with the birth of the new nation of Palau. Under the Compact of Free Association, the "independence agreement" which governs relations between Palau and the United States, Palau receives trust funds plus 15 years of budgetary support, to decline at five-year intervals over the 15 years. Having achieved political independence, Palau is now faced with the challenge of achieving economic independence.

III. THE GOVERNMENT AND THE ECONOMY

The economy

24. Throughout the Trust Territory era, Government dominated the Palauan economy, employing most of the labour force and generating, directly or indirectly, most of the gross domestic product. In recent years, the fishing industry has developed as the leading economic sector apart from Government. Tourism is also expanding rapidly.

25. The National Master Development Plan (NMDP) approved in early 1998 by the Olbiil Era Kelulau (or "OEK", the national congress) establishes a 21-point strategic framework for achieving economic independence. Collectively, these strategies accord high priority to

establishing an environment supportive of private sector development. Tourism and marine resources are identified as the lead economic sectors, with agriculture and forestry envisaged as having critical supporting roles. Mindful also that development depends on both natural and human resources, high priority is accorded to environmental protection, cultural preservation, and human resource development.

26. In 1992, Palau's pre-Compact GDP was estimated to be $5,400 per resident. Three years later, following implementation of the Compact, GDP per capita had increased to an estimated $7,900 per capita. The economy is oriented towards services (60 per cent of the total) and is dominated by the public sector (20 per cent of the total). Financing derives from three primary revenue sources: (i) transfer payments from the United States under the Compact of Free Association; (ii) tourism; and (iii) fisheries. Compact funds are the single largest source of financing and are expected to contribute approximately 35 per cent of the GDP over the period 1994-1999. In order to maintain per capita GDP as Compact funds begin to decline (1999) and eventually phase out (2009), the National Master Development Plan emphasizes fiscal reform, private sector development, and human resource development, coupled with environmental and cultural preservation.[8]

27. As contained in Palau's National Master Development Plan, the goal for the future is to substantially enhance the quality of life of Palauans and future generations of Palauans by:

(a) Increasing real economic growth per capita on a sustained basis;

(b) Sharing the benefits of economic growth on an equitable basis;

(c) Enriching and enhancing confidence in the Palauan culture, raising national consciousness, and protecting the natural environment.

Government

28. Palau has a presidential form of Government patterned after that of the United States. The executive branch is headed by a popularly elected President and Vice-President assisted by seven ministers appointed by the President with the consent of the OEK. The legislative branch (the OEK) is comprised of 30 members divided into two equal houses. Sixteen delegates in the House represent each of the 16 states. Fourteen senators represent four senatorial districts (East and West Babeldaob, Koror, and the Southern Islands). The judiciary is a third, independent branch of Government, comprised of the Supreme Court, the National Court, the Court of Common Pleas, and the Land Court.

29. Each of the 16 states has its own constitution and independent Government headed by a governor. States have special responsibilities for environmental protection, land-use planning, health and welfare. However, only the state of Koror at present has significant administrative capacities independent of those provided by the national Government.

Notes

[1] The Palau National Committee on Population and Children, "Population and Development: Toward a Palau National Policy on Sustainable Human Development", Koror, Palau, March 1997.

[2] Data for estimating probable rates of transmigration from Koror to Babeldaob are presented in Palau Resources Institute, "Pathways to Change: A Social Impact Assessment of the Palau Compact Road", Koror, August 1996.

[3] Palau Office of Planning and Statistics, "Report on the Census of Population and Housing, 1995", Koror, Palau (table 59).

[4] R. Force and M. Force, "Just One House: An Analysis of Kinship in the Palau Islands", Bishop Museum Press, Honolulu, Hawaii, 1972.

[5] Palau 2000 Task Force, "The Palau 2000 Master Plan for Educational Improvement", Ministry of Education, Koror, Palau, 30 November 1994.

[6] Ibid.

[7] Ibid.

[8] All information relating to the economy of Palau is derived from: Palau Office of Planning and Statistics, "Palau National Master Development Plan", March 1997 edition.

UNITED NATIONS

HRI

International Human Rights Instruments

Distr.
GENERAL

HRI/CORE/1/Add.108
15 May 2000

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

[20 March 2000]

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GE.00-42129 (E)

I. LAND AND PEOPLE

A. Land

1. Korea, situated in the north-eastern part of the Asian continent, consists of the Korean peninsula and 4,198 islands around it. Its total area is 222,209,231 square kilometres, of which mountains constitute 79.87 per cent and plains 20.13 per cent. It is sea-bound on three sides.

2. Korea was liberated from the colonial rule of the Japanese imperialists on 15 August 1945. It was divided into north and south at 38° north latitude at first and after the Korean War at the military demarcation line defined in the Armistice Agreement as the boundary. The area of the country over which the DPRK's sovereignty is exercised is 122,762,338 square kilometres, of which the mainland is 122,457,385 square kilometres and the islands are 304,953 square kilometres.

B. People, language and religion

3. The DPRK is a homogenous national State. The Koreans have lived on the Korean territory and created time-honoured history and culture from the early stages of human development such as the early, middle and later periods of the palaeolithic era.

4. As of 31 December 1996, the population of the DPRK was 22,114,000, of which the male population was 10,782,000 and the female population 11,332,000. The capital city, Pyongyang, had 2.9 million people.

5. The language of the Koreans is Korean. The Korean language was created and has been developed by the Korean people through a long historical period, and is characterized by its homogeneity and purity. The Korean language, the sole national language of the Korean people, is spoken throughout the whole territory of Korea.

6. The DPRK has no State religion. The State guarantees freedom of religion. There are people who believe in Buddhism, Christianity, Roman Catholicism and Chondoism in the country.

II. GENERAL POLITICAL STRUCTURE

A. Brief political history

7. Korea, which was formed as a State before the thirtieth century B.C., developed itself creating its own culture. In the nineteenth century, however, the feudal State of Korea was gravely weakened by the corruption and incompetence of the feudal rulers.

8. Japan illegally fabricated the "Ulsa 5-point Treaty" in November 1905, the "Jongmi 7-point Treaty" in 1907 and the "Korea-Japan Amalgamation Treaty" in 1910 to usurp the diplomatic and domestic rights and turn Korea completely into its colony.

9. The Korean people waged a vigorous revolutionary struggle against the Japanese imperialist aggressors for 20 years under the leadership of the respected President Kim Il Sung. The Korean people achieved the historic cause of national restoration on 15 August 1945.

10. After liberation, Korea was divided in half owing to the interference of foreign forces, and the two sides traversed diametrically different courses.

11. In the north, the Provisional People's Committee of North Korea was established on 8 February 1946 based on the local power organs formed in all areas on the initiative of the people, democratic reforms were carried out and a genuine people's democratic system set up. And by the first democratic elections of historic significance, the People's Committee of North Korea was formed in February 1947 and the transition to socialism began.

12. In an effort to check the crisis of national break-up, general elections for a unified central Government were held throughout the whole territory of the north and south of Korea in August 1948 and the Democratic People's Republic of Korea, representing the interests of all the Korean people, was founded on 9 September 1948. The founding of the DPRK meant the advent of an independent people's power of a new type and was a historic proclamation of the birth of Juche Korea.

13. The Republic has made an onward march through trying ordeals under the Juche idea.

14. The Korean people won the three-year Fatherland Liberation War and defended the Republic with honour. The Korean people completed the socialist transformation of the relations of production in towns and farm villages in only four to five years after the war. As a result, an anthropocentric socialist system in the Korean style was established.

15. Today, the Korean people, under the seasoned leadership of the dear Comrade Kim Jong Il, are making strenuous efforts to abolish all sorts of backwardness and make great progress in the ideological, technical, cultural and other fields upholding the banner of the Juche idea, to add glory to the socialist system and to achieve the country's independent peaceful reunification, the supreme task confronting the nation.

B. General political structure

16. The political system of the DPRK is socialist democratic republicanism.

17. The power belongs to all the working people, including workers, peasants and working intellectuals. The working people exercise power through the Supreme People's Assembly and local people's assemblies at all levels, their representative organs.

18. The system of State organs is composed of the system of power organs, the system of administrative organs and the system of judicial and procuratorial organs.

1. System of power organs

19. The system of power organs consists of the Supreme People's Assembly (SPA), the Central People's Committee (CPC), local people's assemblies and local people's committees.

20. The SPA is the highest power organ of the Republic. Legislative power is exercised by the SPA and the Standing Committee of the SPA. The SPA is constituted by deputies elected on the principle of universal, equal and direct suffrage by secret ballot. It is elected for a term of five years. The permanent body of the SPA when it is not in session is its Standing Committee. The Standing Committee does legislative work in the intervals between sessions of the SPA and is accountable to the SPA for its work.

21. The President of the DPRK is the head of State and represents the State power. He exercises unified control and direction over all State activities such as politics, the economy, culture and foreign relations. He is elected by the SPA and his term of office is the same as that of the SPA.

22. The CPC is the highest leadership body of State power. The CPC is headed by the President of the DPRK. The CPC consists of the President, Vice-Presidents, the Secretary-General and members who are all elected by the SPA. Its term of office is the same as that of the SPA. The CPC ensures sovereign guidance to and supervision over all State affairs and State organs under the direct leadership of the President of the Republic. The CPC is accountable to the SPA for its work.

23. The people's assembly of the province (or municipality directly under central authority), city (or district) and county is the local organ of State power. The local people's assembly consists of deputies elected on the principle of universal, equal and direct suffrage by secret ballot and its term of office is four years. The local people's assembly exercises sovereignty within the given area as a local representative organ of the people. The local power organs when the local people's assemblies are not in session are the people's committees of the province (or municipality under direct central authority), city (or district) and county. The local people's committee is constituted by the chairman, vice-chairmen, secretary and members and its term of office is the same as that of the corresponding people's assembly. The local people's committee exercises the function of sovereign guidance and supervision when the corresponding people's assembly is not in session, is guided by the corresponding people's assembly and by senior people's assemblies or committees and is accountable to them.

2. System of administrative organs

24. The system of administrative organs consists of the Administration Council (AC) and local administrative and economic committees.

25. The AC is the administrative and executive body of the highest organ of State power and works under the guidance of the President of the Republic and the CPC. The AC consists of the Premier, Vice-Premiers, chairmen, ministers and other members and its term of office is the same as that of the SPA. The AC organizes and executes all the administrative and economic

work of the State. The AC is accountable to the SPA, the President of the Republic and the CPC for its work.

26. The administrative and economic committee of the province (or municipality directly under central authority), city (or district) and county is the administrative and executive unit of the local organ of State power. It is composed of the chairman, vice-chairmen, secretary and members and its term of office is the same as that of the corresponding people's assembly. It organizes and carries out all administrative and economic work in the given area, is accountable to the people's assembly and people's committee at the corresponding level for its work and is subordinate to the higher administrative and economic committees and to the AC.

3. System of judicial and procuratorial organs

27. The system of judicial and procuratorial organs consists of courts and public prosecutors offices.

28. The system of judicial organs is composed of the Central Court, the court of the province (or municipality directly under central authority), the people's court and the special court. The courts of the Republic are constituted by judges and people's assessors who are elected by State power organs at all levels. The President of the Central Court is elected by the SPA, and its judges and people's assessors by the Standing Committee of the SPA. Judges and people's assessors of local courts are elected by the corresponding local people's assemblies. Judges of the special court are appointed by the Central Court and its people's assessors elected by soldiers of the unit concerned or by employees at their meetings. The Central Court is the highest judicial organ of the Republic and is accountable to the SPA, the President of the Republic and the CPC for its work. The local courts are accountable to their respective people's assemblies.

29. The system of procuratorial organs consists of the Central Public Prosecutors Office, the public prosecutors office of the province (or municipality directly under central authority), city (or district) and county and the special public prosecutors office. The Prosecutor General of the Central Public Prosecutors Office is appointed by the SPA and the public prosecutors of various levels by the Central Public Prosecutors Office. The procuratorial organs supervise the observance of laws. Investigation and prosecution are conducted under the unified direction of the Central Public Prosecutors Office, and all public prosecutors offices are subordinate to their higher offices and the Central Public Prosecutors Office. The Central Public Prosecutors Office is accountable to the SPA, the President of the Republic and the CPC.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. Legislative measures taken for human rights protection

30. The DPRK regards human rights as the independent rights which people ought to exercise as social beings in political, economic, cultural and every other sphere of social life and actively strives to protect and realize them.

31. The respected President Kim Il Sung defined man as the most precious being by embodying the Juche idea that man is the master of everything and decides everything, and advanced the Juche-oriented idea of human rights that man, an independent being, should be freed from all kinds of social subordinations and inequalities and enjoy equal rights.

32. The Juche-oriented idea of human rights was embodied in the Ten-point Programme of the Association for the Restoration of the Fatherland published in May 1936, when the anti-Japanese armed struggle was being waged. With a view to ensuring completely the social and political rights of all people, article 6 of this Programme stipulates: "Freedom of speech, the press, assembly and association shall be realized, the Japanese terrorist rule and the remnants of feudal ideas opposed and all political prisoners released." And on human equality and respect of all people, article 7 states: "Discriminatory status systems and other inequalities shall be abolished, human equality of sex, nation, religion, etc. guaranteed, social position of women improved and the dignity of females respected."

33. In order to provide social, economic and cultural rights, the Programme and the Declaration of the Association for the Restoration of the Fatherland advanced the "adoption of popular and democratic policies of economy and culture", "abolition of slave labour and education", enforcement of "free compulsory education" and "eight-hour working day", "improvement of working conditions and raise of wage" and "relief of the unemployed masses."

34. After liberation, the Provisional People's Committee of North Korea set forth the programme for defending the people's rights and interests by the proclamation of the Twenty-point Platform to be pursued by the democratic government that would be set up soon.

35. In accordance with the Platform, the Committee took various legislative measures for ensuring people their rights and freedom.

36. For the democratization of the judicature as well as the democratic socio-political reform, the committee formulated the Rules of the Provisional People's Committee of North Korea (6 March 1946), the Basic Principles of the Composition and Function of the Judicial Board, the Court, and the Public Procurators' Office of the Provisional People's Committee of North Korea (6 March 1946), the Rules of the Criminal Justice of the North Korean Judicial Organs (14 May 1946) and the Law on the Criminal Hearing by the Public Procurators' Office and the Preliminary Examination or Security Organs of North Korea (20 June 1946).

37. The legislation for securing democratic socio-political reform includes the Law on the Agrarian Reform in North Korea (5 March 1946), the labour Law for the Factory and Office Workers in North Korea (24 June 1946), the Law on the Equality of Sexes (30 July 1946), etc.

38. In order to secure the democratization of social and cultural life, the Committee enacted the Law on the Protection of Life, Health, Freedom and Honour (24 January 1947), the Law on the Abolition of the Remnants of the Feudal Customs (24 January 1947), the Law on the Protection of Private Property (24 January 1947) an the Law on Crimes against Public Health (24 January 1947).

39. The People's Committee of North Korea, after its establishment in February 1947, approved democratic laws including the law on the Agrarian Reform and adopted new laws and regulations to consolidate by law the achievements of democratic reform.

40. The DPRK, after its foundation in September 1948, adopted its Constitution (9 September 1948) to fix and reaffirm by law the achievements and successes and the rights of the citizens in the sectors of political, economic, social and cultural life.

41. The DPRK took measures to provide people with every human right by promulgating the Law on Composition of the Court (1 March 1950), the Criminal Law (3 March 1950), the Criminal Procedures Act (3 March 1950) and other related laws.

42. The DPRK adopted the Socialist Constitution on 27 December 1972 in line with the established socialist system and, in April 1992, amended it to consolidate the successes of the socialist construction and to better protect the genuine democratic freedom and rights of the citizens.

43. The DPRK constructed many relevant laws on the basis of the Socialist Constitution.

44. The DPRK instituted anew the Criminal Law and the Criminal Procedures Act on 19 December 1974 and revised them on 5 February 1987 and on 15 January 1992 respectively.

45. The DPRK adopted the Civil Procedures Act (10 January 1976), the Civil Law (5 September 1990) and the Family Law (24 October 1990).

46. The DPRK also enacted the Law on the Nursing and Upbringing of Children (29 April 1976), the Land Law (29 April 1977), the Socialist Labour Law (18 April 1978), the Public Health Law (3 April 1980), the Law on the Protection of the Environment (9 April 1986), the Law on Science and Technology (8 December 1988), the Law on City Administration (29 January 1992), the Commercial Law (29 January 1992), etc. so that citizens may better enjoy their economic, social and cultural rights.

B. General legislative structure for human rights protection

47. In the DPRK, the State provides all citizens with true democratic rights, freedom and a happy material and cultural life. The main bodies for the provision of democratic rights and freedom to the people are the people's committees and the administrative and economic committees at all levels. Judicial, procuratorial and public security organs also assume the mission of protecting human rights. The work is done by the public organizations such as the Democratic Lawyers' Association and the bar association.

48. There is a compensation system for the citizens whose rights are infringed. Citizens may appeal to the people's power organs, or judicial or other State organs when their rights are violated. The State organs examine the case in accordance with due procedures and have the victim properly compensated if the appeal proves to be right. Unfairly detained or punished people are compensated according to the Civil Law which provides that an organ, enterprise or

organization is responsible if any of its members has harmed another's property or person while on duty.

49. The rights provided by the international instruments on human rights are reliably protected by the Socialist Constitution and other laws in the DPRK. No right is either restricted or reduced.

50. The DPRK Government makes every effort to implement the international human rights instruments with credit.

51. The provisions of the instruments are applied either by being turned into domestic laws and regulations or directly.

52. The DPRK has recognized the rights contained in the instruments in its laws and regulations as well as in the Socialist Constitution, and has taken or is taking practical measures to realize them. As a result, the rights are well protected. DPRK citizens are sufficiently ensured true democratic freedom and rights. Non-discrimination is required by all the provisions of the Socialist Constitution that are related to citizens' rights.

53. Foreigners staying or residing in the DPRK also enjoy legal rights.

54. After ratifying several international human rights instruments, the DPRK amended and supplemented the Socialist Constitution and revised or adopted the Criminal Law, the Criminal Procedures Act, the Civil Law, the Family Law and others reflecting the requirements of the instruments.

IV. INFORMATION AND PUBLICITY

55. The Government took measures to inform the State organs, public organizations and the masses of the idea of the international human rights instruments. On the occasion of Human Rights Day (10 December) and other international anniversaries, broadcasts and publications actively disseminate relevant information and lectures, short courses and seminars are organized. The texts of the instruments have been translated into Korean and disseminated to the people's power organs, administrative, economic, cultural organs and public organizations, and are taught in the regular higher educational institutions. The Compilation of International Instruments on Human Rights, the Compilation of International Instruments on the Rights of the Child, etc. have been published in Korean and are used by the State organs, public organizations and people.

56. Great attention was paid to the preparation of the report on the implementation of the Convention on the Rights of the Child. A group was organized with jurists and experts of the State organs and public organizations for the preparation of the report. The materials for the report were officially collected from the State organs and public organizations at all levels. The draft of the report was sent to various State organs and public organizations for completion through debate. And upon the submission of the report to the United Nations, copies and written information were disseminated to people's power organs at all levels, educational establishments and public organizations so that they could be used by the officials concerned as a reference for the promotion and the protection of the rights and interests of the child.

Annex

STATISTICAL TABLES

Table 1
Population and composition by province

(1993)

Rank	Province	Population (000)	% of total
1	S. Pyongan	2 861	13.97
2	Pyongyang	2 741	13.36
3	S. Hamgyong	2 732	13.31
4	N. Pyongan	2 437	11.88
5	N. Hamgyong	2 060	10.04
6	S. Hwanghae	2 010	9.80
7	N. Hwanghae	1 512	7.37
8	Kangwon	1 304	6.36
9	Jagang	1 152	5.52
10	Nampo	731	3.56
11	Ryanggang	638	3.11
12	Kaesong	334	1.63

Table 2
Life expectancy by sex in urban and rural areas

(1993)

Area	Both	Male	Female
Urban	73.3	68.5	77.2
Rural	72.7	68.3	76.1
Country	73.2	68.4	76.8

Table 3

Infant mortality rate for urban and rural areas and by sex, per 1,000 births

(1993)

Area	Both	Male	Female
Urban	11.76	12.72	10.75
Rural	16.56	17.68	15.39
Country	13.88	14.91	12.80

Table 4

Crude death rate by sex in urban and rural areas, per 1,000 persons

(1993)

Area	Both	Male	Female
Urban	5.16	5.99	4.40
Rural	6.48	7.21	5.85
Country	5.68	6.46	4.97

Table 5

Age-specific fertility rate, per 1,000 women and in urban and rural areas

(1993)

Age	Total	%	Urban areas	%	Rural areas	%
15-19	0.00	0.00	0.00	0.00	0.00	0.00
20-24	49.11	11.20	41.02	10.47	61.49	11.97
25-29	265.26	60.48	242.79	61.98	300.09	58.42
30-34	100.86	23.00	89.35	22.81	119.62	23.29
35-39	19.08	4.35	15.37	3.92	26.23	5.11
40-44	3.18	0.73	2.35	0.60	4.72	0.92
45-49	1.12	0.26	0.87	0.22	1.57	0.31
Total	438.61	100.00	391.75	100.00	513.72	100.00
Composite fertility rate	2.19		1.96		2.57	

Table 6
Age composition of the population, by sex (%)

(1993)

Age	Both	Male	Female
0-4	10.1767	11.0766	9.3738
5-9	9.0954	9.8948	8.3820
10-14	8.6107	9.3490	7.9518
65-69	2.4659	1.8075	3.0534
70-74	1.6545	1.0640	2.1813
75-79	0.9125	0.5097	1.2719
80-84	0.3963	0.1964	0.5747
85-89	0.1015	0.0368	0.1592
90-94	0.0200	0.0050	0.0333
95-99	0.0040	0.0004	0.0072
100-	0.0005	0	0.0009

Table 7
Population in urban and rural areas (%)

(1996)

Urban area	Rural area
60.2	39.8

Table 8
Proportion of urban population in the DPRK and the world, 1954-1994

Year	1950	1960	1970	1980	1990	1994
DPRK	* 17.7	40.6	53.9	57.2	60.2	** 60.2
World	29.1	34.1	37.2	39.8	42.7	44.8
Developed countries	53.8	60.5	66.6	70.2	72.7	74.7
Developing countries	16.9	22.1	25.5	29.3	33.9	37.0
Asia	16.4	21.5	23.9	26.6	29.9	34.1
Europe	56.3	60.9	66.7	70.3	73.1	73.3

* 1953 ** 1966

Table 9
Households

(1993)

Total number	Family households	Collective households	Average size (persons)
4 813 195	4 802 030 (99.7%)	11 165 (0.3%)	4.2

Table 10
Dynamics of numbers of households, 1980-1993

Year	1980	1985	1990	1993
No. households (thousand)	3 413	3 833	4 398	4 802
% growth	100	112.3	128.9	140.7

Table 11
Number of technicians and experts, per 1,000 persons

(1993)

Category	Both sexes	Male	Female	Female (%)
Engineer	376	308	69	18.24
Para-engineer	453	275	178	39.37
Technician	829	583	247	29.78
Expert	535	305	230	42.99
Semi-expert	426	143	283	66.49
Total experts	961	448	513	53.41
Total	1 790	1 030	760	42.46

Table 12
Gross national product and per capita income, 1993 and 1996

	GNP (million US$)	PCI (US$)
1993	20 882	991
1996	10 528	479

Table 13
External debt, 1996

External debt (million US$)	3 609

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International
Human Rights
Instruments

Distr.
GENERAL

HRI/CORE/1/Add.108/Rev.1
16 July 2002

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

Democratic People's Republic of Korea

[24 June 2002]

I. LAND AND PEOPLE

A. Land

1. Korea, situated in the north-eastern part of the Asian continent, consists of the Korean peninsula and 4,198 islands around it. Its total area is 222,200 square kilometres, of which mountains constitute almost 80 per cent. It is sea-bound on three sides.

2. Korea was liberated from the Japanese colonial rule on 15 August 1945. It was divided into the north and the south at 38th parallel of North latitude soon after the liberation and then after the Korean War at the military demarcation line defined in the Armistice Agreement as the boundary. The area of the country over which the DPRK's sovereignty is exercised is 122,760 square kilometres.

B. People, language and religion

3. The DPRK is a homogeneous national State. The Koreans have lived on the Korean territory, creating time-honoured history and culture in the process of forming a nation of one and the same blood inheriting the ancient Korea that evolved through the stages of primitive, Paleolithic and Neolithic man, since the early era of human morphogenesis.

GE.02-43271 (E) 220802

4. As of 2000, the population of the DPRK was 22,963,000. The capital city of Pyongyang had 3,084,400 people.

5. The national language is Korean. The Korean language is spoken throughout the whole territory as the sole national language. The Korean language has been created and developed by the Korean people through a long historical period, and is characterized by its homogeneity and purity.

6. The DPRK has no State religion. The State guarantees freedom of religion. There are adherents of Buddhism, Christianity, Roman Catholicism and Chondoism in the country.

II. GENERAL POLITICAL STRUCTURE

A. Brief political history

7. Korea was formed as a State before the thirtieth century B.C. and developed itself and its own culture. In the nineteenth century, however, the feudal State of Korea was gravely weakened by the corruption and incompetence of the feudal rulers.

8. Japan illegally fabricated the "Ulsa 5-point Treaty" in November 1905, the "Jongmi 7-point Treaty" in 1907 and the "Korea-Japan Amalgamation Treaty" in 1910 to usurp Korea's diplomatic rights and sovereignty and to turn Korea completely into its colony.

9. The Korean people waged a vigorous revolutionary struggle against the Japanese imperialist aggressors for 20 years under the leadership of the respected President Kim Il Sung. The Korean people achieved the historic cause of national liberation on 15 August 1945.

10. After the liberation, Korea was divided into the north and the south owing to the interference of foreign forces, and the two sides traversed diametrically different courses, socialism in the north and capitalism in the south.

11. In the north, the Provisional People's Committee of North Korea was established on 8 February 1946 based on the local power organs formed in all areas on the initiative of the people and, under its guidance, democratic reforms were carried out to set up a genuine people's democratic system. And by the first democratic elections of historic significance, the People's Committee of North Korea was formed in February 1947 and the transition to socialism began.

12. In an effort to check the crisis of national break-up, general elections for a united central Government were held throughout the whole territory of the north and south of Korea in August 1948 and the Democratic People's Republic of Korea, representing the interests of all the Korean people, was founded on 9 September 1948. The founding of the DPRK meant the advent of an independent people's power of a new type and was a historic proclamation of the birth of Juche Korea.

13. The DPRK has made an onward march through trying ordeals under the Juche idea.

14. The Korean people won the fatherland liberation war of 1950-1953 against foreign aggression and defended the Republic with honour. The Korean people completed the socialist transformation of the relations of production in towns and farm villages in only four to five years after the war and established the anthropocentric socialist system of the Korean style free from exploitation and oppression of man by man.

15. The DPRK, in the course of carrying out the tasks of socialist construction of various stages from the 1960s to the 1990s, invincibly consolidated the people's power and the socialist system, relying on the single-minded unity and patriotic efforts of the entire people, the masters of the State and the society, and realized socialist industrialization to lay the foundation of an independent national economy. The Republic built the socialist culture that contributed to enhancing the creativity of the working people and satisfying their healthy cultural and emotional needs and strengthened the national self-defence capability based on the all-people and nationwide defence system.

16. Today, the Korean people, under the seasoned leadership of the respected Comrade Kim Jong Il, are making strenuous efforts to add glory to the man-centred socialist system in the Korean style, upholding the banner of the Juche idea to build a powerful nation where the national power is strong, everything booms and the entire people live without envy in the world, and to achieve the country's independent peaceful reunification, the supreme task of the nation.

B. General political structure

17. The political system of the DPRK is socialist democratic republicanism.

18. The power belongs to all the working people, including workers, peasants and working intellectuals. The working people exercise power through the Supreme People's Assembly and local people's assemblies at all levels, their representative organs.

19. The system of State organs is composed of the system of power organs, the system of administrative organs and the system of judicial and procuratorial organs.

1. System of power organs

20. The system of power organs consists of the Supreme People's Assembly (SPA), the Presidium of the Supreme People's Assembly (PSPA), local people's assemblies and local people's committees.

21. The SPA is the highest power organ of the Republic. The SPA is composed of deputies elected on the principle of universal, equal and direct suffrage by secret ballot and its term of office is five years. The SPA exercises legislative power and the power of organizing leading State organs (such as the National Defence Commission, the PSPA, the Cabinet, etc.),

establishes the basic principles of domestic and foreign policies of the State, deliberates and approves the State plan for the development of the national economy, the State budget and its implementation result, and discusses and decides important and principled political issues of the State.

22. The National Defence Commission (NDC) is the highest military leadership body of State power and the organ of overall administration of national defence. The NDC directs the whole armed forces and defence build-up of the State and is accountable to the SPA.

23. The PSPA is the highest organ of State power when the SPA is not in session. It deliberates and adopts the bills raised in the intervals between the SPA sessions, obtains the approval of the next session of the SPA for the important laws, supervises observance of the law by the State organs in taking relevant measures, discusses and decides important issues for the exercise of State power. The PSPA represents the State. The PSPA is accountable to the SPA.

24. The people's assembly of the province (or municipality directly under central authority), city (or district) and county is the local organ of State power. The local people's assembly consists of deputies elected on the principle of universal, equal and direct suffrage by secret ballot and its term of office is four years. The local people's assembly is the local representative organ of the people and exercises such sovereignty within the given area as deliberating and approving the local plan for the development of the national economy, local budget and its implementation result; adopting measures to observe State laws in the area concerned; electing or recalling members of people's committees, judges and people's assessors of the court at the corresponding level, etc. The local power organs when the local people's assemblies are not in session are the people's committees of the province (or municipality directly under central authority), city (or district) and county. The local people's committee is also the administrative and executive organ of State power at the corresponding level. The local people's committee consists of the chairman, vice-chairmen, secretary and members and its term of office is the same as that of the corresponding people's assembly. The local people's committee exercises the function of the local organ of State power when the corresponding people's assembly is not in session and exercises such sovereignty as convening sessions of the people's assembly, organizing the election of deputies, working with the deputies, etc. The local people's committee is guided by the corresponding people's assembly and by the senior people's assemblies or committees and is accountable to them.

2. System of administrative organs

25. The system of administrative organs consists of the Cabinet and the local people's committees.

26. The Cabinet is the administrative and executive body of the highest State power and the organ of overall State administration. The Cabinet consists of the Premier, Vice-Premiers, chairmen, ministers and other members as required and its term of office is the same as that of

the SPA. The Cabinet takes measures for the implementation of the State policies and laws, adopts the regulations on State administration on the basis of the Constitution and the laws, drafts the State plan for the development of the national economy and the State budget, adopts measures for their implementation, organizes and executes the work of industries, agriculture, education, science, culture, public health, external affairs, etc., organizes and executes the overall administrative and economic activities of the State. The Cabinet is accountable to the SPA, and, when it is not in session, to the PSPA.

27. The people's committees of the province (or municipality directly under central authority), city (or district) and county exercise the function of the local organ of State power when the people's assembly at the corresponding level is not in session and the administrative and executive organ of State power. The local people's committee organizes and carries out all administrative and economic work in the given area, is accountable to the corresponding people's assembly for its work and is subordinate to the people's committees at higher levels and the Cabinet.

3. System of judicial and procuratorial organs

28. The system of judicial and procuratorial organs consists of courts and public prosecutors' offices.

29. The system of judicial organs is composed of the Central Court, the court of the province (or municipality directly under central authority), the people's court and the special court. The courts are constituted by judges and people's assessors who are elected by State power organs at all levels. The President of the Central Court is elected by the SPA, and its judges and people's assessors by the Presidium of the SPA. Judges and people's assessors of local courts are elected by the corresponding local people's assemblies. Judges of the special court are appointed by the Central Court and its people's assessors elected by soldiers of the unit concerned or by employees at their meetings. The Central Court is the highest judicial organ of the Republic and is accountable to the SPA and to the PSPA when the SPA is not in session. The local courts are accountable to their respective people's assemblies.

30. The system of procuratorial organs consists of the Central Public Prosecutor's Office, the public prosecutors' offices of the province (or municipality directly under central authority), city (or district) and county and the Special Public Prosecutor's Office. The Prosecutor General of the Central Public Prosecutor's Office is appointed by the SPA and public prosecutors of various levels by the Central Public Prosecutor's Office. The procuratorial organs supervise the observance of laws. Investigation and prosecution are conducted under the unified direction of the Central Public Prosecutor's Office, and all Public Prosecutor's Offices are subordinate to their higher offices and the Central Public Prosecutor's Office. The Central Public Prosecutor's Office is accountable to the SPA and the PSPA when the SPA is not in session.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. Legislative measures taken for human rights protection

31. The DPRK regards human rights as the independent rights which people ought to exercise as social beings in political, economic, cultural and every other sphere of social life and actively strives to protect and realize them.

32. Embodying the new philosophical principle that man is the master of everything and decides everything as well as the demands of the Juche idea that man be placed in the centre of all considerations concerning nature and society and everything made to serve him, the respected President Kim Il Sung set forth the idea of human rights that man, the most precious being in the world, should be freed from all social subordination and inequalities and enjoy an independent and creative life to the full.

33. The Juche-oriented idea of human rights was embodied in the Ten-Point Programme of the Association for the Restoration of the Fatherland published in May 1936, when the anti-Japanese armed struggle was being waged.

34. With a view to ensuring completely the social and political rights of all people, article 6 of this Programme stipulates: "Freedom of speech, the press, assembly and association shall be realized, the Japanese terrorist rule and the remnants of feudal ideas opposed and all political prisoners released." And on human equality and respect of all people, article 7 states: "Discriminatory status systems and other inequalities shall be abolished, human equality of sex, nation, religion, etc. guaranteed, social position of women improved and the dignity of females respected."

35. In order to provide social, economic and cultural rights, the Programme and the Declaration of the Association for the Restoration of the Fatherland advanced the "adoption of popular and democratic policies of economy and culture", "abolition of slave labour and education", enforcement of "free compulsory education" and "eight-hour working day", "improvement of working conditions and raise of wage" and "relief of the unemployed masses".

36. After liberation, the Provisional People's Committee of North Korea set forth the programme for defending the people's rights and interests by the proclamation of the Twenty-Point Platform to be pursued by the democratic government that would be set up soon.

37. In accordance with the Platform, the Committee took various legislative measures for ensuring people their rights and freedom.

38. For the democratic socio-political reform and the democratization of the judicature, the Committee formulated the Rules of the Provisional People's Committee of North Korea (6 March 1946), the Basic Principles of the Composition and Function of the Judicial Board, the

Court, and the Public Prosecutor's Office of the Provisional People's Committee of North Korea (6 March 1946), the Rules of the Criminal Justice of the North Korean Judicial Organs (14 May 1946) and the Law on the Criminal Hearing by the Public Prosecutor's Office and the Preliminary Examination of Security Organs of North Korea (20 June 1946).

39. The legislation for securing democratic socio-economic reform includes the Law on the Agrarian Reform in North Korea (5 March 1946), the Law on Nationalization of Industries in North Korea (10 August 1946), the Labour Law for the Factory and Office Workers in North Korea (24 June 1946), the Law on Equality of the Sexes (30 July 1946), etc.

40. In order to secure the democratization of social and cultural life, the Committee enacted the Law on the Protection of Life, Health, Freedom and Honour (24 January 1947), the Law on the Abolition of the Remnants of the Feudal Customs (24 January 1947), the Law on the Protection of Private Property (24 January 1947) and the Law on Crimes against Public Health (24 January 1947).

41. The People's Committee of North Korea, after its establishment in February 1947, approved democratic laws including the Law on Agrarian Reform and the Law on Equality of the Sexes and adopted new laws and regulations to consolidate by law the achievement of democratic reform.

42. The DPRK, after its foundation in September 1948, adopted its Constitution (9 September 1948) to fix and reaffirm by law the achievement and successes and the democratic rights of the citizens in the sectors of political, economic, social and cultural life.

43. The DPRK took measures to fully protect the rights of citizens by promulgating the Law on Composition of the Court (1 March 1950), the Criminal Law (3 March 1950), the Criminal Procedures Act (3 March 1950) and other related laws.

44. The DPRK adopted the Socialist Constitution on 27 December 1972 in line with the established socialist system and amended it, in April 1992 and October 1998, to consolidate the successes of the socialist construction and to better protect the genuine democratic freedom and rights of the citizens.

45. On the basis of the Socialist Constitution, the DPRK constructed many relevant laws for the promotion and protection of human rights in keeping with the developing reality.

46. The DPRK instituted anew the Criminal Law and Criminal Procedures Act on 19 December 1974 and revised them on 5 February 1987 and on 15 January 1992 respectively.

47. The DPRK adopted the Civil Procedures Act (10 January 1976), the Civil Law (5 September 1990) and the Family Law (24 October 1990).

48. The DPRK also enacted hundreds of laws and regulations such as the Law on Nursing and Upbringing of Children (29 April 1976), the Labour Law (18 April 1978), the Public Health Law (3 April 1980), the Law on the Protection of the Environment (9 April 1986), the

Law on Elections to the People's Assembly at all Levels (7 October 1992), the Nationality Law (23 March 1995), the Appeal and Petition Law (17 June 1998), the Law on External Civil Relations (6 September 1995), the Law on Composition of the Court (1 July 1998), the Law on Lawyers (23 December 1993), the Notary Public Law (2 February 1995), the Education Law (14 July 1999), the Law on Prevention of Epidemics (5 November 1997), the Insurance Law (6 April 1995) and the Foreign Trade Law (10 December 1997), etc. so that citizens may better enjoy their democratic rights and freedom and their material and cultural life in all the political, economic, social and cultural fields.

B. General legislative structure for human rights protection

49. The major bodies responsible for democratic rights and freedom of the people are the people's committees at all levels. Judicial, procuratorial and people's security organs also assume the important mission and function of protecting human rights. Besides, human rights protection work is conducted by the public organizations such as the Institute for the Research of Human Rights, the Association Supporting the Disabled, the Committee on Measures for Compensation to the former "Comfort Women for the Japanese Army" and the Pacific War Victims, the Democratic Lawyers' Association, the bar association, the youth league, trade unions, the women's union, etc.

50. There is a rehabilitation and compensation system for the citizens whose rights are infringed. Citizens may lodge a communication or an appeal with the State organs, or judicial or other State organs when their rights are violated. The State organs examine the case in accordance with due procedures and have the victim properly rehabilitated or compensated if the communication or appeal prove to be reasonable. Unfairly detained or punished people are properly rehabilitated or compensated under the Law on Damages and the Regulation on Criminal Compensation.

51. The rights provided by the international instruments on human rights are reliably protected by the Constitution and other relevant laws and regulations. No right is either restricted or derogated from.

52. The DPRK Government makes every effort to implement the international human rights instruments with credit.

53. The provisions of the instruments are applied either directly or by being turned into domestic laws and regulations.

54. The DPRK has embodied the rights contained in the instruments in its laws and regulations as well as in the Constitution, and has taken or is taking practical measures to realize them. As a result, the rights are well protected. The DPRK citizens are sufficiently ensured true democratic freedom and rights. Non-discrimination is required by all the provisions of the Constitution that are related to citizens' rights.

55. Foreigners staying or residing in the DPRK also enjoy legal rights.

56. After ratifying several international human rights instruments, the DPRK amended and supplemented the Constitution and revised or adopted the Criminal Law, the Criminal Procedures Act, the Civil Law, the Family Law and others reflecting the requirements of the instruments.

IV. INFORMATION AND PUBLICITY

57. The Government took measures to inform the State organs, public organizations and the masses of the idea of the international human rights instruments. The Government actively disseminates relevant information through mass media on the occasion of Human Rights Day and other international anniversaries and also organized lectures, short courses and seminars. The texts of the instruments have been translated into Korean and disseminated to the people's power organs, judicial, procuratorial and people's security organs, economic and cultural organs and public organizations, and are taught in the regular higher educational institutions. The Compilation of International Instruments on Human Rights (vols. I and II), a compilation of international instruments on the rights of the child, etc. have been published in Korean and disseminated.

58. Upon the submission of the report on the implementation of the international human rights instruments to which the Government has acceded, the copies of the report and the information on its submission were disseminated to people's power organs at all levels, the ministries concerned, the judicial, procuratorial and people's security organs, the youth league, trade unions, the women's union, the bar association, the Institute for Research on Human Rights, and reported through the mass media.

Annex

Statistical tables

Table 1

Background of the country

Indicator	1993	1999	2000
Total population	21 213 000	22 754 000	22 963 000
Average lifespan	72.7	66.8	67.1
GNP per capita	991 US$	453 US$	463 US$
GNP (million US$)	20 882	10 265	10 593

Table 2

Population, by province

Province	Population (1 000)	% of total
Pyongyang city	3 084.4	13.4
South Pyongan	3 050.7	13.2
South Hamgyong	2 929.8	12.8
North Pyongan	2 437	11.4
North Hamgyong	2 221.3	9.7
South Hwanghae	2 224	9.7
North Hwanghae	1 665.4	7.2
Kangwon	1 406.1	6.1
Jagang	1 239.2	5.4
Nampo city	792.3	3.5
Ryangang	686.9	3.0
Kaesong	363.2	1.6

Table 3

Population in urban and rural areas (%)

Urban area	Rural area
60.2	39.8

Table 4

Households

Year	No. of households (1 000)
1993	4 813
2000	5 693

Table 5

Male/female employment rate in different sectors (1 000)

Classification		Industry	Agriculture	Construction and geology	Transport and communication	Commerce and procurement	Education, culture and public health	Land and city administration
1995	Male	2 001	1 751	350	294	161	348	157
	Female	2 283	1 703	110	121	353	515	101
1999	Male	2 063	1 806	367	310	169	356	161
	Female	2 347	1 761	115	124	360	530	104

Table 6

Average life span

Year	Average	Male	Female
1936-1940	38.4	37.3	39.5
1957	57.0	55.0	59.0
1960	58.3	56.0	59.0
1964	59.9	57.5	61.9
1969	63.8	62.0	68.0
1972	66.0	62.9	68.9
1986	74.3	70.9	77.3
1991	74.5	71.0	77.6
1993	72.7	68.4	76.0
1996	70.1	67.3	75.0
1999	66.8	62.8	70.7
2000	67.13	63.04	70.94

Table 7

Major health indices (‰)

Year	Birth rate	Mortality rate	Infant mortality rate
1955	40.5	20.9	56.4
1960	38.5	10.5	37.0
1970	44.7	7.0	22.7
1980	21.8	4.5	14.2
1990	22.0	5.9	9.2
1993	20.0	5.5	14.1
1996	20.1	6.8	18.6
1998	18.2	9.3	23.5
1999	17.8	8.9	22.5
2000	17.5	8.8	21.8

Table 8

Number of technicians and experts

Year	Number (1 000)
1993	1 730
1998	1 895

Table 9

Number of medical doctors

Year	Number of medical doctors per 10 000 population
1995	30
1998	44

Table 10

External debt, unemployment and adult illiteracy

Year	External debt (million US$)	Unemployment	Adult illiteracy
1999	4 430	-	-
2001	4 701	-	-

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Human Rights
Instruments

Distr.
GENERAL

HRI/CORE/1/Add.109
19 June 2000

ENGLISH
Original: FRENCH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

CAMEROON

[13 April 2000]

I. LAND AND PEOPLE

A. The land

1. Cameroon is located in the heart of Africa. It is triangular in shape, stretching about 1,200 km to the north from a base 800 km wide, and covers an area of 475,442 km^2. It is located between 2° and 13° north and between 8° and 16° east. It is bordered to the south by Equatorial Guinea, Gabon and the Republic of the Congo, to the east by the Central African Republic, to the north-east by Chad, to the west by Nigeria, and to the south-west by 400 km of Atlantic coastline.

B. Natural environment

2. Cameroon is characterized by a great diversity of the natural environments found in different parts of Africa. This feature has earned it the sobriquet "Africa in miniature". Three main bioclimatic areas can be distinguished:

(a) The first is the equatorial zone, which has two variations:

(i) An area with the classic equatorial climate, with four seasons, rainfall of over 1,500 mm and an average temperature of 25° C, with a variation of 2° C. This is an area of ferriferous soil and evergreen forest that is increasingly being encroached upon by man. This plateau region has an average altitude of 700 m and its northern fringe is covered by a patchwork of forests and savannahs;

(ii) An area with an equatorial monsoon climate, with a coastal variant and a subtropical mountain variant. The region is crossed from south to north-east by the Cameroonian ridge, with an average height of 1,400 m. The latter stretches from Bonny Bay, overlooked by Mount Cameroon (4,095 m), to the Adamaoua region. The monsoon climate is characterized here by an average temperature of 22° C, two climatic seasons and an average annual rainfall of 2,000 mm. This heavy rainfall sustains a green forest which gives way in the north-east, where it has been badly eaten away, to vast grasslands known as "grassfields". The soil is predominantly ferriferous and volcanic;

(b) The second is the tropical humid zone, located between 4° and 10° north, where between 900 and 1,500 mm of rainfall is recorded annually. The average temperature is 28 °C, with a variation of 6° C. With its humid tropical, or "Sudanese", climate, this area is one of large savannahs where trees and shrubs grow, and is suitable for raising livestock. The savannahs cover a variety of soils, with scattered ferriferous or ferruginous concretions and volcanic soils. The Benoue basin, at an average height of 200 m above sea level, is flanked by two highland areas, in the form of the high Adamaoua plateaux, Cameroon's "water tower", lying on either side of the seventh parallel, and the Mandara Mountains above the ninth parallel, which are a natural tourist attraction;

(c) The third is the arid tropical zone, located between 10° and 13° north, with a Sudanese-Sahelian continental climate characterized by between 300 and 900 mm of annual rainfall and an average temperature of 28° C, with a variation of 7° C.

3 On the plains, vegetation is sparse, usually in the form of prickly bushes, although there is a flood plain with hydromorphic soil known as yaere, which lies at the foot of the Mandara Mountains, between the "duck's beak" and Lake Chad. The harsh climate recalls the Sahelian and desert climate of Sudanese Africa.

4 Cameroon's drainage system consists of four large river basins:

(a) The Atlantic basin, where the largest rivers flow from the high Adamaoua plateaux, the southern Cameroonian plateau and the high plateaux in the west towards the ocean, including the Sanaga (920 km long), Nyong (750 km), Ntem (460 km), Wouri and Mungo rivers;

(b) The Congo basin, drained by the Kadei and Ngoko rivers, which feed into the Sangha, a tributary of the Congo River;

(c) The Niger River basin, drained by the 350-km-long Bénoué River;

(d) The Lake Chad basin, drained by the Chari and Logone rivers.

5. Four hydrological systems can also be identified:

(a) The classic equatorial system, with high water levels during both the heavy and the light rainy seasons;

(b) The Cameroonian system, with high water levels between March and October - the highest being in September - and low levels between November and March;

(c) The tropical system, characterized by strongly contrasting water flows in different seasons: in the dry season, the beds of most rivers are dry (they are known as mayo in the local language);

(d) The mixed system of the Sanaga River basin, which straddles the tropical and equatorial zones.

C. Population

1. Ethnic and demographic features

6. The Cameroonian people today comprises 230 tribes, divided into three cultural groups: the Bantu, in the South, Littoral, South-West, Centre and South-East provinces; the Bantoid or semi-Bantu, in the West and North-West provinces; and the Sudanese, in the Adamaoua, North and Far North provinces. The Pygmy population, which is not included in these large groups, lives in the South, East and Centre provinces.

7. Far from being a source of conflict and an obstacle to coexistence, this ethnic diversity is viewed by the authorities and the populations as a source of mutual enrichment, with the clearly understood and commonly accepted objective of using it as the foundation of a genuine nation where peace, understanding and justice prevail and in which each citizen should feel at home everywhere.

8. Attaining this objective means eliminating all forms of discrimination, a goal that the Government pursues by means of the following programmes: national integration; balanced regional development; the equitable sharing of the fruits of growth; democratization and liberalization; the protection of minorities and underprivileged groups; and good governance.

2. Socio-economic and cultural indicators

9. According to the Statistical Yearbook of Cameroon (August 1998 edition), Cameroon has about 14,297,617 inhabitants, with an annual growth rate of 2.8 per cent and a population density of 30.7 inhabitants per km^2. There are approximately 4 million foreigners from countries

throughout the world living peacefully alongside the national population. According to a 1998 report by the Office of the United Nations High Commissioner for Refugees (UNHCR), there are some 47,057 refugees living in Cameroon, including 6,007 receiving assistance from UNHCR.

3. Structure

10. A breakdown of the population by sex and age reveals the following:

(a) The population is relatively young, with an estimated 45 per cent below the age of 15, 51.8 per cent aged between 16 and 64 and 3.2 per cent aged 64 or over;

(b) The population is largely rural: statistics on place of residence show that 6,748,475 people live in cities while 7,549,142 live in rural areas. However, the exodus from the countryside has been picking up pace, thanks partly to the "urban phenomenon";

(c) The ratio of men to women is 49 to 51.

11. One can observe an unequal territorial distribution of the population and some large migratory movements as a result of population growth and unequal development between the regions. For this reason, population density varies from one region to another, from less than 10 inhabitants per km^2 in the East province to over 200 inhabitants per km^2 in the West province.

12. Life expectancy at birth is 59 years for women and 54.5 years for men.

4. Religion

13. The population includes 2,600,000 Catholics, 2,586,000 Muslims and 1,900,000 Protestants. However, it should be pointed out that the people of Cameroon not only follow these world religions but also remain attached to their ancestral religions.

5. Economic data

14. Cattle-raising is an important activity. The agricultural sector employs 73.8 per cent of the active population and provides around 21 per cent of gross domestic product (GDP). The secondary sector is expanding: it employs 6.3 per cent of the active population and contributes 34 per cent of GDP.

15. The Cameroonian economy enjoyed a growth spurt between 1960 and 1983, putting the country in the leading group of high-growth countries in sub-Saharan Africa and in the category of average-income countries. The growth rate, once as high as 8 per cent in real terms, has fallen considerably since 1986, and has sometimes been negative. However, towards the end of 1997, there were some hopeful signs of growth.

16. The socio-economic indicators are as follows:

- Per capita income: approximately US$ 650 (source: "Quelques indicateurs économiques des pays africains", United Nations/World Bank, 1995);
- Gross domestic product: CFAF 4,932.2 billion (source: DSCN/CTS);
- Inflation rate: approximately 2 per cent (1998);
- External debt: CFAF 4,246.9 billion (source: "Administration économique et financière du Cameroun", International Monetary Fund (IMF) and Bank of the Central African States (BEAC));
- Unemployment rate: 30 per cent of the total active population. Unemployment strikes those in the 15 to 24-years age group particularly hard;
- Mother tongues: approximately 230;
- Infant mortality rate: 81 per 1,000 (source: Statistical Yearbook of Cameroon);
- Maternal mortality rate: 547 per 100,000 live births, with rates as high as 900 in the north as a whole (source: United Nations Children's Fund (UNICEF));
- Fertility rate: 16.6 per 1,000 in 1992/93;
- Average births per childbearing woman: 5.4;
- Birth rate: 39.3 per 1,000 (1992);
- Crude death rate: 13.7 per 1,000 (source: Statistical Yearbook of Cameroon).

II. GENERAL POLITICAL STRUCTURE

A. Legal system

17. French and British colonial rule left Cameroon with a dual legal system, which has elements of the Napoleonic Code and common law. This duality is further complicated by the coexistence of customary and statutory law.

B. Political system

18. Cameroon acquired national sovereignty in 1960. West and East Cameroon were reunited on 1 October 1961. Following the referendum of 20 May 1972, Cameroon became a unitary State. Under the 18 January 1996 Constitution, Cameroon is a unitary, decentralized and democratic State with a semi-presidential regime. The executive, legislative and judicial branches are separate.

19. Cameroon was a de facto one-party State from 1966 to 1990, when Act No. 90/56 of 19 December 1990 concerning political parties was adopted. Five elections have been held since that change:

(a) In 1992, 5 political parties took part in the presidential election and 32 in the legislative elections;

(b) In January 1996, 36 political parties took part in municipal elections: town councillors were elected from 15 of them and many town halls are administered by opposition parties;

(c) In May and August 1997, 44 political parties took part in the legislative elections: the present legislature consists of deputies from 7 political groupings;

(d) In October 1997, nine parties each presented a candidate in the presidential election.

1. The executive

20. The President of the Republic is the head of State. Elected by the whole nation, he is the symbol of national unity, defines national policy, safeguards the Constitution and oversees the smooth running of government bodies. He is also the guarantor of national independence, territorial integrity, the permanence and continuity of the State and compliance with international treaties and agreements (art. 5 of the Constitution). The President is elected by direct, fair and secret universal suffrage by a simple majority for a seven-year term renewable once.

21. The Prime Minister is the head of Government and is in charge of its programme. The Government is responsible for implementing the national policy defined by the President (art. 11) and is appointed by the President.

2. The legislature

22. Legislative power is held by Parliament, which consists of two houses: the National Assembly and the Senate. Parliament legislates and monitors government action (art. 14). The National Assembly consists of 180 deputies elected by direct and secret universal suffrage for a five-year term. The Senate, which has not yet actually been set up, represents the decentralized regional authorities. It consists of 100 members, 70 of whom are elected by regionally-based indirect universal suffrage and 30 of whom are appointed by the President.

3. The judiciary

23. Under article 37 of the Constitution, justice is administered in the territory of the Republic in the name of the Cameroonian people. Judicial power is held by the Supreme Court, the courts of appeal and the courts. The judiciary is independent of the executive and the legislature.

4. The Constitutional Council

24. The Constitutional Council is responsible for constitutional matters. It rules on the constitutionality of laws and is the regulatory body overseeing the operation of institutions (art. 47). Pending the establishment of this body, the Supreme Court carries out its duties.

5. The Parliamentary Court of Justice

25. The Parliamentary Court of Justice is competent to judge acts carried out in the course of their duties by the President, in cases of high treason, and by the Prime Minister, other members of the Government and other top government officials to whom power has been delegated, in cases affecting State security.

6. The Economic and Social Council

26. An economic and social council, whose membership, remit and structure are laid down by law (art. 54), has been established.

C. The administrative system

27. Three basic administrative models exist side by side: centralization, devolution and decentralization.

1. Centralized administration

28. This is made up of all the services housed in the political capital, the headquarters of the institutions, with responsibility for the whole of the territory. It includes the offices of the President and Prime Minister, the core services of the ministries, and technical and advisory institutions.

2. Devolved administration

29. This consists of bodies with authority in a given area, but which are accountable to central government. The administrative divisions are as follows:

- Provinces, of which Cameroon has 10, each headed by a governor;
- Departments, headed by prefects (58 in all);
- Arrondissements, under the authority of sub-prefects (269 in all); and, lastly,
- Districts, under the authority of district heads (53 in all).

3. Decentralized administration

30. Article 55 of the Constitution stipulates that the decentralized regional authorities are regions and communes. The above-mentioned provinces will become regions when this change

is put into effect. The decentralized regional authorities are legal persons under public law, they enjoy administrative and financial autonomy in the management of regional and local affairs and they are run freely by elected councils under the terms laid down by the law. Technically speaking, decentralization is also implemented in Cameroon through numerous administrative, industrial and commercial State corporations, as well as through a variety of parastatal enterprises active in various sectors of the economic and social life of the country.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

31. Cameroon has ratified numerous international human rights conventions or covenants and their additional protocols and has also acceded to other supranational legal instruments, including:

The Universal Declaration of Human Rights;

The African Charter on Human and Peoples' Rights;

The African Charter on the Rights and Welfare of the Child;

The International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) (ratified on 7 June 1960);

The ILO Abolition of Forced Labour Convention, 1957 (No. 105) (ratified on 3 September 1962);

The ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) (ratified on 7 June 1960);

The ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98) (ratified on 3 September 1962);

The ILO Equal Remuneration Convention, 1951 (No. 100) (ratified on 15 May 1970);

The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified on 15 May 1988);

The ILO Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138) (ratified on 14 April 1998);

The International Convention on the Elimination of All Forms of Racial Discrimination (ratified on 24 June 1971);

The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by Decree No. 97/079 of 25 April 1997);

The International Convention on the Suppression and Punishment of the Crime of Apartheid (ratified on 1 November 1976);

The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (acceded to on 6 October 1972);

The Convention relating to the Status of Refugees (ratified by State succession on 23 June 1961);

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

The Convention on the Elimination of All Forms of Discrimination against Women (ratified on 23 August 1994);

The Convention on the Rights of the Child (signed on 27 September 1990 and ratified on 11 January 1993);

The Protocol amending the Slavery Convention signed at Geneva on 25 September 1926;

The Protocol relating to the Status of Refugees (ratified on 19 September 1967);

The International Covenant on Civil and Political Rights and its Optional Protocol (ratified on 27 June 1984);

The International Covenant on Economic, Social and Cultural Rights (ratified on 27 June 1984).

It should be noted that Act No. 96/06 of 18 January 1996 amending the Constitution vested human rights with genuine constitutional status by incorporating into its preamble certain provisions of the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.

32. The judicial and administrative authorities with jurisdiction affecting human rights are the Ministry of Territorial Administration, which has specific responsibility for civil liberties, and the Ministry of Justice. Under the Constitution, the justice system has become a genuine judiciary.

33. Anyone whose rights have been violated may take the matter to the courts dealing with statute law (courts of first instance or regional courts) or to courts dealing with traditional law (customary-law courts or trial courts). They may also petition the National Committee on Human Rights and Freedoms, which will be discussed further below, and international human rights bodies once domestic remedies have been exhausted. The injured person may, where necessary, seek compensation for the injury suffered and obtain damages through the courts.

Under the law as it stands, if a person is discharged or acquitted or has been wrongfully held in custody, that person cannot be compensated unless he or she can prove that the judge was at fault or the service did not function properly. However, compensation is provided for in such circumstances in the preliminary draft Code of Penal Procedure. Moreover, articles 443-447 of the Code of Criminal Investigation provide, in cases of judicial review, for compensation for the victims of judicial errors. Meanwhile, statutory rehabilitation is provided for in articles 69-72 of the Penal Code and in articles 624-633 of the Code of Criminal Investigation.

34. Human rights instruments are incorporated into domestic law by means of ratification. Pursuant to article 43 of the Constitution, the President negotiates and ratifies international treaties and agreements. Those which concern the law are submitted for approval by Parliament, through legislation, prior to ratification. In conformity with article 45 of the Constitution, international treaties or agreements which have been ratified take precedence, as soon as they have been published, over the law. They may then be invoked before the courts or administrative bodies. However, in order for criminal provisions to be applicable, they must be supplemented in the national legislation by appropriate penalties. Thus, Act No. 97/009 of 10 January 1997 incorporated the offence of torture into the Cameroonian Penal Code by laying down penalties for such criminal actions.

35. The National Committee on Human Rights and Freedoms was set up by Decree No. 90/1459 of 8 November 1990, and has legal personality. Numerous private charities and non-governmental organizations (NGOs) supplement and further its work. These NGOs are governed by Act No. 99/014 of 22 December 1999, and the Ministry of Social Affairs is setting up an NGO register.

IV. INFORMATION AND PUBLICITY

36. Cameroon has an official gazette in which all legislative acts, administrative measures and regulations are published. The media regularly inform the people about their rights. There is a project to set up rural radio stations whose programmes will be able to reach every sector of society. Human rights workshops are held regularly for both human rights officials and the general public. Some Cameroonians are planning to translate the national or supranational human rights instruments into local languages. Lastly, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the celebrations were inaugurated by the Prime Minister in person on 16 June 1998 and human rights experts were dispatched to the provinces to raise people's awareness of their fundamental rights.

37. However, it is unfortunate that the intended information and publicity activities were limited because of illiteracy in some population groups and the inaccessibility of some areas.

UNITED
NATIONS

HRI

International
Human Rights
Instruments

Distr.
GENERAL

HRI/CORE/1/Add.110
20 June 2000

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

TRINIDAD AND TOBAGO

[24 May 2000]

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I. LAND AND PEOPLE

1. The Republic of Trinidad and Tobago is the most southerly of the Caribbean islands, located seven miles north-east of Venezuela. The country is composed of two separate islands, Trinidad, which has an area of 4,820 square kilometres, and Tobago, which has an area of 303 square kilometres. Tobago is 32.2 km to the north-east of Trinidad. The capital city, Port of Spain, is located in the north-west of the island of Trinidad.

2. The population of Trinidad and Tobago is estimated at 1,290,413 persons, of whom 644,174 are male and 646,239 are female (mid-year estimates 1999). This figure represents a 0.7 per cent population growth from 1998 when the population was estimated to be 1,281,825 persons. The birth rate is estimated to be 13.42 and the death rate 7.3 persons per thousand, respectively. There is an average life expectancy of 73 years. Approximately 45.7 per cent of the population is below the age of 24 years; 45.2 per cent is between the ages of 25 and 59 and 9.1 per cent is 65 years or over (mid-year estimates 1999). In 1998, 27.9 per cent of the population was estimated to be below 15 years of age and 6.3 per cent of the population was estimated to be 65 years or over.

3. Fertility and mortality rates, 1995-1997:

FERTILITY RATES	1995	1996	1997
Crude birth rate (number of births per 1,000 population)	15.3	14.2	14.5
Total fertility rate (number of births per 1,000 women of child-bearing age)	1.8	1.7	1.7
General fertility rate (number of births per 1,000 women)	56.3	52.0	52.2
Gross reproduction rate (number of females born to an average woman throughout her reproductive years)	0.9	0.8	0.8
Child woman ratio (number of children aged 1-4 years per 1,000 women of child-bearing age)	298	277	262

MORTALITY RATES	1995	1996	1997
Crude death rate (number of deaths per 1,000 population)	7.2	7.4	7.2
Infant mortality rate (number of infant deaths per 1,000 live births)	17.1*	16.2	17.1
Post neo-natal mortality rate (number of infant deaths aged 1 month to 12 months per 1,000 live births)	3.3	4.0	4.0
Neo-natal mortality rate (number of infant deaths aged under 1 month per 1,000 live births)	13.9	12.2	13.1
Prenatal mortality rate (number of still births per 1,000 births)	24.5	23.5	22.4
Maternal mortality rate (average number of mothers who die while giving birth within any given week, per hundred thousand)	67.5	38.9	70.4

* Increase due to under-reporting in previous year.

4. Health care is available to the public free of cost in the nation's 7 hospitals, 100 health centres and 6 other health care facilities. These institutions are run by the Ministry of Health in conjunction with five Regional Health Authorities. Specialist medical services are also available at several private medical institutions throughout the country. There is a public psychiatric hospital based in St. Ann's. Ante-natal care is provided in public health institutions to ensure that pregnancies will result in live, well babies. Iron supplementation and multivitamins are provided to pregnant women and children free of charge.

5. Statistics for 1990-1996 indicate that 97 per cent of the population had access to safe water, and 1990 statistics reveal that 99 per cent of the population had access to adequate excreta disposal facilities.

6. According to 1990 statistics, the number of male headed households was 197,745 and the number of female headed households was 77,101. The population in male headed households was estimated to be 828,699 and the population in female headed households was estimated at 296,429 persons. The average number of persons in a male headed household was estimated at 4.19, with an average of 3.84 persons in female headed households.

OTHER RATES	1995	1996	1997
Sex ratio (number of males per hundred females)	101	101	100
Dependency ratio (number of persons under 15 years of age and those aged 65 and over per 1,000 population)	541.8	519.9	502.4
Crude marriage rate (number of marriages per 1,000 population, mid-year)	5.3	5.6	5.8
Crude divorce rate (number of divorces per 1,000 population, mid-year)	0.8	1.2	1.0

7. Trinidad and Tobago is noted for its ethnic diversity. Approximately 40.3 per cent of the population is of East Indian descent, 39.6 per cent is of African descent, 0.6 per cent is white, 0.4 per cent Chinese, 18.4 per cent mixed, 0.2 per cent other and 0.4 per cent not stated (1990 Population Census).

8. Religious tolerance allows for the active observance of many faiths. The majority of the population practise either Christianity, Hinduism, Islam or the Orisa religion. A public holiday is given in respect of each major religion in the country.

9. The official language of Trinidad and Tobago is English. The literacy rate by percentage of the population (1994 Statistics) is as follows:

LITERACY STATUS	MALE	FEMALE	TOTAL
Functionally literate	79.6	77.8	77.4
Functionally illiterate	15.6	13.8	14.6
Illiterate	7.5	8.4	8.0

10. The education system in Trinidad and Tobago is organized into public and private schools. Primary schools are for children between the ages of 5 and 12 and secondary schools for students between the ages of 12 and 20 years. Public government schools and government assisted denominational schools provide free education at the primary and the secondary school levels up to Form 5, equivalent to Grade 12. Successful students receive an additional two years' free schooling to write the Advanced Level examinations set by the Universities of Cambridge and London, England. There are also a number of private schools at both the primary and secondary levels. At present there are approximately 155 secondary schools and 477 primary schools throughout the country. In the 1998/1999 academic year, a total of 169,580 students were enrolled in primary schools. There are several institutions providing tertiary education throughout the country, including the University of the West Indies located at the

St. Augustine Campus in Trinidad. There is also a Law School and a Medical School based in Trinidad. Education is available for students at government assisted tertiary institutions at heavily subsidized rates.

11. Following recent significant financial and economic reforms, Trinidad and Tobago's economy has been on a positive growth path over the past five years. The economy grew by 3.6 per cent in 1998 and by 0.9 per cent in the first three months of 1999.

12. The principal sectors of the economy are: (i) oil, gas and petrochemicals, (ii) distribution, (iii) finance, insurance and real estate, (iv) construction, (v) transportation, storage and communications, (vi) government, (vii) manufacturing, (viii) other services, which include hotels, guest houses, education, community services and personal services, (ix) electricity and water, and (x) agriculture.

13. The economy is heavily dependent on the energy and energy-related sectors for most of its export earnings. These sectors comprise the petroleum and petrochemical industries, as well as other heavy industries utilizing natural gas as feedstock, producing methanol, fertilizers, natural gas liquids and iron and steel products. At present there are eight world-scale ammonia plants, four methanol plants, one urea plant, an iron and steel mill, a natural gas processing facility and a recently commissioned liquefied natural gas plant.

14. Gross domestic product:

YEAR	GROSS DOMESTIC PRODUCT (STT MILLIONS)
1999	41 044.90
1998	38 197.10
1997	36 969.70
1996	34 648.10
1995	31 665.00
1994	29 311.70
1993	24 490.50

15. In terms of each sector's contribution to the gross domestic product in 1998, the non-energy sectors comprise agriculture (2 per cent), manufacturing (8.3 per cent), construction (10.3 per cent), distribution (17.1 per cent), electricity and water (2.3 per cent), transport, storage and communication (9.5 per cent), finance, insurance and real estate (11.5 per cent), government (8.9 per cent), and other services (6.6 per cent).

16. The per capita income in 1998 was equivalent to US$ 4,261.

Monthly income levels: 1994–1998 (TT dollars)

Income	1994	1995	1996	1997	1998
Average income	1 712	1 831	1 895	1 966	2 180
Median income	1 300	1 400	1 500	1 500	1 800

17. During the period October 1998 to March 1999 the number of persons in the labour force averaged 562,600, of whom 307,300 were male and 173,300 were female.

Labour force data in relation to men and women are as follows:

Year	Total labour force	No. of males	No. of females
1998	558 700	344 600	214 100
1997	541 000	335 800	205 200

18. Unemployment rates (by numbers)

Year	No. of unemployed males	No. of unemployed females
1998	39 000	40 400
1997	41 300	39 000

Unemployment rates (by percentage)

Year	1994	1995	1996	1997	1998
Male	16.4	15.1	13.1	12.3	11.3
Female	21.8	20.6	21.0	19.4	18.9
Unemployment rate	18.5	17.1	16.2	15.0	14.2

19. Inflation rate (change in Consumer Price Index, percentage)

Year	1986	1989	1992	1995	1998	1999
Inflation Rate	7.7	11.4	6.6	5.3	5.6	2.3

The 1999 inflation rate represents the difference between September 1999 and September 1998.

20. Balance of payments – 31 December 1998 (in millions of US dollars)

Year ended 31 December	1994	1995	1996	1997	1998
Overall surplus (deficit)	181.0	32.5	213.5	175.3	80.6

21. In April 1993, the Government of Trinidad and Tobago dismantled the regime of exchange controls and introduced a liberal foreign exchange system in which the Trinidad and Tobago dollar was allowed to float. At the end of June 1999, the TT/US dollar exchange rate stood at 1 US$ = 6.2997 (this refers to the weighted average selling exchange rate).

22. The Republic of Trinidad and Tobago makes use of international assistance and cooperation to facilitate the full realization of human rights. For the 1999/2000 fiscal year, international funding for projects, programmes and other initiatives taken to further this realization will amount to 30.6 per cent of the total budget.

II. GENERAL POLITICAL STRUCTURE

23. Trinidad and Tobago is a sovereign democratic State founded on the rule of law, a principle expressly mentioned in the preamble to the Constitution. Trinidad and Tobago was formerly a British crown colony and it became self-governing in 1956. Trinidad and Tobago achieved full independence from Britain on 31 August 1962 and became a republic within the Commonwealth on 24 September 1976.

24. The people of Trinidad and Tobago, expressing their will through their elected representatives, are sovereign. The right to join political parties and to express political views is expressly recognized in section 4 (e) of the Constitution. For electoral purposes, Trinidad and Tobago is divided into 36 constituencies, two of which are in Tobago. There is an independent Elections and Boundaries Commission established by the Constitution. After a parliamentary election, the successful candidate in each constituency becomes a member of the House of Representatives, the lower House of Parliament. Parliament, unless dissolved sooner, shall continue for five years from the date of its first sitting after any dissolution, and then shall stand dissolved. A general election of members of the House of Representatives shall be held at such time within three months after every dissolution of Parliament as the President, acting in accordance with the advice of the Prime Minister, shall appoint.

25. Trinidad and Tobago has held free and fair elections since 1956. In terms of its political history, the People's National Movement (PNM) came into power in September 1956 and remained undefeated until December 1986 when it lost to a coalition party called the National Alliance for Reconstruction (NAR). The NAR won a substantial victory in 1986, ending three decades of primacy by the PNM. Five years later, in November 1991, the PNM was returned to power. At the last general elections, in 1995, the United National Congress (UNC) and the PNM each won 17 of the 36 electoral seats. The remaining two seats in Tobago were won by the NAR. The UNC and the NAR opted to join to form the coalition Government which is still in power under the leadership of Prime Minister, Mr. Basdeo Panday. The next parliamentary elections are constitutionally due before February 2001.

26. In 1976, Trinidad and Tobago's independence Constitution was replaced with a Republican Constitution. This Constitution declares that it is the supreme law of Trinidad and Tobago and any other law that is inconsistent with this Constitution is void to the extent of the inconsistency. The Constitution is rooted in the separation of powers of the three branches of government, namely the executive, the legislature and the judiciary.

27. The executive authority of Trinidad and Tobago is vested in the President and, subject to the Constitution, may be exercised either directly or through officers subordinate to him. All the members of the bicameral Parliament elect the President. The Prime Minister, who is leader of the majority party in Parliament, is the Head of Government. Cabinet consists of the Prime Minister, the Attorney General and other Ministers of Government appointed by the Prime Minister from among the members of Parliament. The Constitution vests Cabinet with the general direction and control of the Government of Trinidad and Tobago and makes Cabinet collectively responsible to Parliament. In the exercise of his functions under the Constitution, the President is required to act in accordance with the advice of Cabinet except where otherwise stated by the Constitution. The Cabinet can be removed from office by members of the legislature, on a vote of no confidence.

28. The legislative power of Trinidad and Tobago resides in Parliament, which according to the Constitution shall consist of the President, an upper house called the Senate and a lower House called the House of Representatives. The House of Representatives consists of 36 members elected by universal adult suffrage from the 36 constituencies into which Trinidad and Tobago is divided. Section 73 of the Constitution provides that the election of members of the House of Representatives shall be by secret ballot and in accordance with the first-past-the-post system (relative majority system). The Senate consists of 31 appointed members. Of the 31 senators, 16 are appointed on the advice of the Prime Minister, 6 are appointed on the advice of the Leader of the Opposition and 9 are appointed by the President at his discretion, from among outstanding persons from economic, social or community organizations and other major fields of endeavour. Parliament is empowered by section 53 of the Constitution to make laws for the peace, order and good government of Trinidad and Tobago. Although Parliament may alter the Constitution, some parts of it, such as the fundamental human rights provisions, are entrenched and can only be altered by Parliament with special majorities in each House of Parliament.

29. In 1888, the island of Tobago merged administratively with Trinidad to form the single colony of Trinidad and Tobago. Until 1980, the smaller island's affairs were administered entirely from Port of Spain, Trinidad's capital city. With the passage of an Act of Parliament in 1980, the Tobago House of Assembly was established for the purpose of making better provision for the administration of the island of Tobago. The 1980 Act was repealed and replaced with a new Tobago House of Assembly Act in 1996. Under the 1996 Act the Assembly is a body corporate consisting of 12 assemblymen elected by the people of Tobago, four appointed councillors and a presiding officer. The assemblymen elect from among their members the Chief Secretary and the Deputy Chief Secretary. The Assembly continues for four years from the date of its first sitting. The Act provides that the House of Assembly is responsible inter alia for the formulation and implementation of policy on matters including finance, that is to say, the collection of revenue and the meeting of expenditure incurred in the carrying out of the functions of the Assembly; State lands; land and marine parks; tourism; sports; culture and the arts;

community development; agriculture; fisheries; food production; forestry; town and country planning; the environment; customs and excise; health services and housing. The matters for which the assembly is not responsible are national security, immigration and the judiciary, among others. The Cabinet of Trinidad and Tobago retains general direction and control of the Assembly in accordance with the Constitution.

30. The Constitution establishes a supreme court of judicature for Trinidad and Tobago consisting of a high court of justice and a court of appeal. The Chief Justice has overall responsibility for the administration of justice in Trinidad and Tobago and heads the independent Judiciary. The judiciary comprises the higher judiciary (the Supreme Court of Judicature) and the lower judiciary (the Magistracy). The Supreme Court is housed in four locations in the country. The Magistracy is divided into 13 districts. The Magistracy and the High Court exercise original jurisdiction in civil and criminal matters. The Magistracy in its petty civil division deals with civil matters involving sums of less than TT$ 15,000. It exercises summary jurisdiction in criminal matters and hears preliminary inquiries in indictable matters to determine whether a matter is to be held over for trial in the assizes. The High Court hears indictable criminal matters, family matters and civil matters involving sums over the petty civil limit. There is a separate industrial court and a tax appeal board, which are superior courts of record created by statute. Appeals from the Magistracy and the High Court lie to the Court of Appeal. The Chief Justice is the President of the Court of Appeal. Appeals from the Court of Appeal lie with the Judicial Committee of the Privy Council in England, sometimes as of right and sometimes with leave of the Court of Appeal. The Privy Council is the highest court of appeal of Trinidad and Tobago.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

31. The judicial body with responsibility for the enforcement of human rights is the judiciary. Although there are no special courts, cases involving infringement of human rights are usually listed on a priority basis in the courts.

32. The following rights are protected by the Constitution of Trinidad and Tobago. Chapter 1 of the Constitution is entitled "The recognition and protection of fundamental human rights and freedoms". Section 4 of this chapter provides as follows:

> "It is hereby recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex the following fundamental rights and freedoms, namely:
>
> (a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;
>
> (b) the right of the individual to equality before the law and the protection of the law;
>
> (c) the right of the individual to respect for his private and family life;

(d) the right of the individual to equality of treatment from any public authority in the exercise of his functions;

(e) the right to join political parties and to express political views;

(f) the right of a parent or guardian to provide a school of his own choice for the education of his child or ward;

(g) freedom of movement;

(h) freedom of conscience and religious belief and observance;

(i) freedom of thought and expression;

(j) freedom of association and assembly; and

(k) freedom of the press."

Section 5 of the Constitution sets out in more detail the rights enshrined in section 4 of the Constitution.

33. Section 2 of the Constitution declares that it is the supreme law and any other law that is inconsistent with the Constitution is void to the extent of the inconsistency. The Constitution, in section 13, permits Parliament to pass laws which are inconsistent with the fundamental human rights sections of the Constitution. But before such a law can be passed it must be supported by no less than two thirds of all the members of each House of Parliament. Further, even if such a law is passed with the required parliamentary majorities, that legislation is still open to challenge in the High Court, on the ground that it is not reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual, or that it is not reasonably justifiable for the purpose of dealing with the situation that exists during a period of public emergency.

34. If an individual's constitutional rights are violated or are likely to be violated by any branch of government, or any servant or agent of the State, the Constitution provides in section 14, that the person may apply by way of originating motion to the High Court for redress. The High Court has original jurisdiction in constitutional matters but the Constitution provides a right of appeal to the Court of Appeal and a further right of appeal to the Judicial Committee of the Privy Council in any proceedings which involve a question as to the interpretation of the Constitution. If the Court finds any violation of a constitutional right, it would usually make a declaration to this effect and award monetary compensation to the aggrieved person. The rights set out in the Constitution are not limited to citizens but are enjoyed by all individuals within the jurisdiction including visitors, persons serving sentences of imprisonment and persons under sentence of death.

35. The Constitution, in section 8, provides that the President may from time to time make a proclamation declaring that a state of public emergency exists. A proclamation shall not be effective unless it contains a declaration that the President is satisfied that a public emergency

has arisen as a result of either the imminence of a state of war between Trinidad and Tobago and a foreign State; any earthquake, hurricane, flood, fire, outbreak of pestilence or of infectious disease, or other calamity, or that action has been taken or is immediately threatened, by any person, of such a nature and on so extensive a scale, as to be likely to endanger public safety or to deprive the community or any substantial portion of the community, of supplies or services essential to life.

36. The Constitution permits some derogation from constitutional rights in time of emergency. Where any period of emergency exists, the President may make regulations for dealing with that situation, including provisions for detaining persons. An act that is passed during a period of public emergency is expressly declared to have effect only during that period, even though inconsistent with sections 4 and 5 of the Constitution (the fundamental rights sections), except insofar as its provisions may be shown not to be reasonably justifiable for the purpose of dealing with the situation that exists during that period. Where any person is unlawfully detained by virtue of an act or regulations passed during a period of emergency, he may request at any time during his detention that his case be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice.

37. Another effective domestic remedy available to an individual who claims that his rights have been violated is the judicial review procedure provided under the Rules of the Supreme Court. This procedure is only available if there are no alternative remedies and if a person's rights have been violated by a body or authority exercising functions in the nature of public law. Before judicial review proceedings can be brought, ex parte leave must be obtained from the High Court. If the requirements for leave have been satisfied, the High Court will then conduct a review of the decision or conduct of the authority to determine whether or not the authority has acted within its powers and in accordance with the principles of natural justice, including the right to a fair hearing. An authority's decision can be quashed on the grounds inter alia of illegality, irrationality and procedural impropriety. The Court is empowered to award damages on an application for judicial review, if such damages would have been recoverable in an ordinary action begun by writ or constitutional motion. As with constitutional cases, these cases can be appealed to the Court of Appeal and the Privy Council.

38. One administrative authority with jurisdiction for investigating alleged infringements of human rights is the Ombudsman. His role is to investigate complaints made by individuals concerning the administrative acts or decisions of Government agencies. The Ombudsman holds office for a period of five years and is appointed by the President acting in consultation with the Prime Minister and the Leader of Opposition. The Ombudsman Act No. 23 of 1977 provides that complaints to the Ombudsman and requests for investigation shall be made in writing, but in practice complaints made by telephone or fax are acted upon. Section 3 (4) of the Act states that where the Ombudsman is of the opinion that there is evidence of any breach of duty, misconduct or criminal offence on the part of any officer or employee of any department or authority, he may refer the matter to the authority competent to take such disciplinary or other proceedings against him. The Ombudsman has published annual reports since 1977. On average1,000 new complaints are made to the Ombudsman each year. The Ombudsman in his 1997 report stated that complaints are received from citizens throughout the two islands and from every social

group, race and class. In 1997, a total of 1,276 complaints were made to the Ombudsman and by year end the Ombudsman had completed investigations on some 48 per cent of these complaints.

39. Another administrative body with jurisdiction affecting human rights is the Police Complaints Authority. This is a statutory body set up in 1995, which consists of five members appointed by the President. At present the Chairman of the Authority is a retired Court of Appeal judge. The functions of the Authority under the Act are to receive complaints on the conduct of any police officer and to monitor the investigation of complaints by the Complaints Division. The Complaints Division set up by the Commissioner of Police in accordance with the Act is staffed by police officers. The Complaints Authority records all complaints and submits them to the Complaints Division for investigation and resolution. The Division investigates all complaints in a thorough and impartial manner, except that where the Head of the Division is of the view that the complaint is frivolous, no action shall be undertaken. Complaints may be resolved in a number of ways, including by counselling, instituting disciplinary proceedings or by criminal court action.

40. Other than the Constitution, there are several pieces of domestic legislation geared to the protection of various human rights. The following are recent examples:

The Domestic Violence Act, 1999 was enacted to replace the Domestic Violence Act, 1991 with the aim of ensuring a prompt and equitable legal remedy for victims of domestic violence. Section 23 of the new Act gives a police officer the power to enter private premises without a warrant where he has reasonable cause to believe that a person is engaging in conduct which amounts to physical violence and failure to act immediately may result in physical injury or death.

The Legal Aid and Advice (Amendment) Act, 1999 was enacted recently to amend the existing legal aid scheme. The Act for example allows more persons to qualify for the grant of legal aid and for the fees payable to lawyers in legal aid matters to be increased. Further, where a person desires legal aid as a matter of urgency in respect of proceedings relating to domestic violence, the Director of the Legal Aid Authority now has the power to issue an emergency certificate to enable that person to obtain prompt representation.

The Maternity Protection Act, 1998 was implemented to prevent discrimination against women by employers on the grounds of pregnancy.

Marriages are permitted in Trinidad and Tobago under various pieces of legislation which facilitate freedom of religion. These include the Marriage Act, the Muslim Marriage Act and the Hindu Marriage Act. In 1999 in recognition of the growing number of persons of the Orisa faith, the Orisa Marriage Act was enacted.

The Cohabitational Relationships Act No. 30 of 1998 was implemented in recognition of the high incidence of common law unions and the rights of common law spouses. Previously common law spouses had no rights, yet it was estimated that no fewer than 40,724 people lived in common law unions (1990 Census). Under this legislation, common law spouses who have been living in a cohabitational relationship for not less than five years or who have a child

arising out of that relationship, have the right to make an application to the High Court for maintenance or property adjustments.

41. There are other pieces of legislation which have been drafted but still have to be enacted into law. Some of the more significant reforms proposed include the following:

Equal opportunities legislation has been drafted with the object of ensuring that no individual is excluded from the nation's benefits and resources on the grounds of sex, gender, race, ethnicity or religion. However discrimination on the ground of sexual orientation is not prohibited under this proposed legislation.

The Children's Authority Bill, 1999 seeks to establish an authority which is to act as the guardian of the children of Trinidad and Tobago. The legislation will allow the authority to receive and temporarily assume parental rights and obligations with respect to any child brought to its attention as being in need of care and protection.

The Adoption of Children Bill, 1999 will repeal the existing law relating to adoption. The legislation proposes to regulate the procedure governing adoption and remove the nationality restriction imposed under existing laws.

The Children's Community Residences, Foster Homes and Nurseries Bill, 1999 seeks to make provision for the monitoring, licensing and regulating of children's homes, rehabilitation centres, foster homes and nurseries.

The Occupational Safety and Health (No. 2) Bill, 1999: the object of this proposed bill is to replace outdated legislation with legislation which is on a par with international standards.

42. In Trinidad and Tobago, international law provisions are not automatically incorporated into and do not have direct effect in municipal law unless expressly transformed into domestic law by Act of Parliament. The Government of Trinidad and Tobago is currently reviewing all treaties and conventions entered into, to ensure that international obligations are being given effect in domestic law and, where necessary, legislation is being drafted for implementation.

IV. INFORMATION AND PUBLICITY

43. The Human Rights Unit of the Ministry of the Attorney General was formed in 1998 and is responsible for the preparation of all the periodic reports that are part of the treaty obligations of Trinidad and Tobago, under the various international human rights agreements to which it is a State party. Some of the other functions of the Unit are as follows:

The preparation of responses on behalf of the State in respect of petitions and communications submitted to the international human rights bodies claiming violations of treaty obligations by Trinidad and Tobago.

The provision of advice on the ratification of those international human rights instruments not yet ratified by Trinidad and Tobago.

The review of reservations entered into by Trinidad and Tobago to international human rights treaties already ratified.

The review of the compatibility of domestic laws in Trinidad and Tobago with obligations under international human rights treaties.

The promotion of a greater awareness of human rights instruments and Trinidad and Tobago's legal obligations under them.

The provision of representation before the supervising committees, namely the Human Rights Committee, and the Committee on the Elimination of All Forms of Racial Discrimination.

44. In addition to the Human Rights Unit, a special Cabinet-appointed committee comprising representatives of all the different Ministries of Government is currently being set up to provide a permanent interministerial body to supply up-to-date and accurate information on a continuous basis to the Human Rights Unit.

45. While in the past reports were not widely circulated, the Government is taking steps to correct this. The third periodic report of the Republic of Trinidad and Tobago on the International Covenant on Civil and Political Rights, prepared in 1999, was presented to Parliament and a statement was made by the Attorney General on that occasion. Copies of the report were then circulated to Trinidad and Tobago missions abroad, foreign missions in Trinidad and Tobago, international human rights organizations and all non-governmental organizations in Trinidad and Tobago. Comments have been requested from the various organizations on the content of the report. Currently, steps are being taken to have the report published on the web page of the Ministry of the Attorney General and Legal Affairs and to have copies of the report made available for purchase by members of the public at a nominal fee. The report also contains a copy of the Covenant. The Government intends to continue to present these reports to Parliament and to make copies of them available to members of the public.

46. The Information Division of the Office of the Prime Minister is mandated to manage the Government's communications policy and is responsible inter alia for communicating with the public and providing access to government information and providing an enhanced public education facility. The Division has a television unit which produces television programmes and documentaries on national, social and cultural issues, and provides coverage of government activities. The Division's Radio Unit informs the population about government activities, projects and policies and broadcasts features relating to national and international events. The research arm of the Research/Library Unit is responsible for the production of leaflets, brochures, booklets, posters, etc. of national interest to the public, including human rights issues. Over the period 1996-1999, the Information Division of the Office of the Prime Minister produced over 25 programmes intended to educate the public about their civil rights, including a series on the administration of justice. With respect to the television unit, 11 features have been produced since 1996 to disseminate information on new and existing legislation affecting the public. These included:

Equal Opportunities Bill

Constitutional Amendment Bill

Criminal Justice
Domestic Violence Bill

International Criminal Court

Regional Magistrate's Conference

Dangerous Drugs Bill

Human Rights Day Speech

47. In the recent past, a booklet entitled "A citizen's guide to the Constitution" produced by the Ministry of the Attorney General, has been circulated to 600 school libraries, 100 rural schools, 68 private schools, 78 embassies, 90 special libraries and 30 foreign missions. Also circulated was a booklet entitled "Foundations of government" which provides information on the republican Constitution and the structure of government. Information on the United Nations is also circulated, subject to availability of material. The Ministry of Information also mounts displays to mark international days observed by the United Nations, including Human Rights Day.

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UNITED
NATIONS

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International
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Instruments

Distr.
GENERAL

HRI/CORE/1/Add.111
11 December 2000

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

JAPAN

[6 December 2000]

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I. LAND AND PEOPLE

A. Population, percentage of females and males in the population

1. As of 1 October 1998, the total population of Japan was 126,486,000, of whom 64,568,000 were female (51.0 per cent) and 61,919,000 were male (49.0 per cent).

B. Land area

2. Japan is an arc-shaped island nation lying to the east of the Asian continent. To the north, beyond the Japan Sea and the Sea of Okhotsk, is Russia. To the south are the Philippines and Micronesia in the Pacific Ocean. To the west, beyond the Sea of Japan and the East China Sea, are the Korean Peninsula and China.

3. Japan has a land area of 377,835 square kilometres. The four large islands of Honshu (227,931 square kilometres), Hokkaido (77,980 square kilometres), Kyushu (36,724 square kilometres) and Shikoku (18,296 square kilometres) comprise 95 per cent of its territory.

C. Population density, annual population growth, population under 15 and over 65

4. As of 1 October 1998, the population density was 339 people per square kilometre. The annual population growth compared to the previous year was 0.3 per cent (0.3 per cent for females and 0.2 per cent for males). As of 1 October 1998, the population under 15 was 20,571,000 (10,033,000 females and 10,538,000 males); the population over 65 was 20,508,000 (11,991,000 females and 8,516,000 males).

D. Average life expectancy, death rate, infant mortality rate, maternal mortality rate, birth rate

5. In 1998, average life expectancy was 84.01 years for females and 77.16 years for males. The death rate per 1,000 was 7.5 (6.6 for females and 8.4 for males). The infant mortality rate per 1,000 live births was 3.6 and the maternal mortality rate per 100,000 deliveries was 6.9. The average number of births per woman was 1.38. (This figure is the sum of the birth rates by age for women aged 15 to 49. It indicates the average number of children per woman that would be borne in her lifetime assuming the birth rate by age in the future is constant.)

E. Number of prefectures, urban population, number of cities, percentage of urban population

6. Japan's local public entities consist of prefectures, cities, towns and villages. In 1998, Japan had 47 prefectures and 3,255 cities, towns and villages, including special wards. (A special ward is a kind of special local public entity. In order to ensure the unification of large cities, the objectives, structure and authority of the special wards are a little different from

those of ordinary cities, towns or villages. At present, Tokyo has 23 special wards.) There were 693 cities. (According to the Local Autonomy Law, of those cities, those with a population of more than 500,000 are so designated by Cabinet Order. At present, there are 12 "Cabinet - Order-designated cities", which are granted administrative and financial authority comparable to that of prefectures.) In 1998, the population of cities was 97,984,000, forming 78 per cent of Japan's population of 126 million. Japan has three main large cities, Tokyo, Nagoya and Osaka. The populations of the 50-square-kilometre areas around Tokyo, Nagoya and Osaka are 29,981,000, 8,639,000 and 16,177,000, respectively. The total population of these three large urban areas is 54,797,000, 43.6 per cent of Japan's total population.

F. The labour force population and percentage of the total population, rates of increase in the labour force, percentage of the population in the primary, secondary and tertiary sectors, percentage of the employed in the total population, unemployment rates

7. In 1998, the average labour force was 67,930,000, which was 53.7 per cent of the total population. The female labour force was 27,670,000 (42.9 per cent of the female population); the male labour force was 40,260,000 (65.1 per cent of the total male population).

8. The average rate of increase in the labour force in 1998 (change over the year in percentage) was 0.1 per cent. By gender, the rate was 0.3 per cent for females and 0.02 per cent for males.

9. In 1998, the average number of workers in the primary, secondary and tertiary sectors, as a percentage of the total population, was 2.7 per cent, 16.2 per cent and 32.3 per cent, respectively. By gender, the percentages were 2.4 per cent, 9.3 per cent and 29.3 per cent for females and 3.0 per cent, 23.5 per cent and 35.5 per cent for males.

10. On average, workers made up 51.5 per cent of the total population in 1998, 41.2 per cent for females and 62.3 per cent for males.

11. The average rate of unemployment was 4.1 per cent, 4.0 per cent for females and 4.2 per cent for males.

G. GNP, GNP growth rate, per capita income, inflation rate

12. The economic situation remained severe in 1998, as the Japanese economy continued to suffer the after-effects of the bubble economy. The GNP growth rate became negative, for the first time in the 24 years since 1974, and real GNP decreased by 2.3 per cent (compared with the previous year to ¥ 487.6 trillion (US$ 3.7 trillion). Moreover, per capita income decreased by 4.0 per cent, to ¥ 3,010,000 (US$ 23,600).

13. Consumer prices stabilized in 1998, rising only 0.6 per cent compared with the previous year, mainly owing to stagnant personal consumption, decline in the prices of international commodities such as oil, and deregulation.

14. Moreover, domestic wholesale prices weakened in 1998. They fell by 1.5 per cent compared with the previous year because of the decline in demand and the easing of supply and demand accompanying the gloomy domestic economy, and the precipitous decline in import prices because of the stagnation in the international market for commodities.

H. External debt (liabilities)

15. As of the end of 1999, Japan's liabilities amounted to ¥ 223.2 trillion (US$ 2.1 trillion), including direct investment of ¥ 4.7 trillion (US$ 46.2 billion), portfolio investment of ¥ 119.4 trillion (US$ 1,169.9 billion) and loans of ¥ 80.7 trillion (US$ 791.1 billion).

I. Economic assistance

16. In 1998, Japan disbursed bilateral aid totalling ¥ 126.4 billion, up 40.8 per cent over the year before. In dollar terms, that total measured $8.6 billion, for a corresponding gain of 30.1 per cent. In terms of total ODA disbursed, Japan has been the world's top donor among the 21 DAC (Development Assistance Committee) member countries for eight years in a row.

J. Number of persons aged over 15 years who have never attended school and as a proportion of the total number of persons of the same age

17. The number of persons aged over 15 years who have never attended school was 218,000 in 1990, of which females made up 147,000 and males 71,000. The ratio of these persons to the total number of persons of the same age was 0.2 per cent; by gender, females 0.3 per cent and males 0.1 per cent. (Note: The category "Persons who have never attended school" refers to those who have never attended or have stopped attending elementary school.)

K. Language and religion

1. Language

18. Japan's official language is Japanese.

19. The Ainu, who lived in Hokkaido before the arrival of Wajin, (i.e. all other Japanese, except the Ainu themselves), continue to make efforts to pass on their own language.

20. The number of people who speak the Ainu language is not clearly known, although their population in Hokkaido was estimated at 23,767 according to the Survey on the Hokkaido Utari Living Conditions conducted by the government of Hokkaido Prefecture in 1999.

21. As of the end of 1998, the number of foreigners with alien registration in Japan was 1,512,000. According to nationality or place of origin, Koreans made up 639,000, accounting for 42.2 per cent of the total, followed by Chinese 272,000 (18.0 per cent), Brazilians 222,000 (14.7 per cent), Filipinos 105,000 (7.0 per cent), United States citizens 43,000 (2.8 per cent) and Peruvians 41,000 (2.7 per cent).

22. As of 1 May 1998, the number of foreign students was 150,000 or 0.7 per cent of the total number of students (21,317,000).

2. Religion

23. As of the end of 1998, the number of members of Shinto religious organizations was 106,152,000, that of Buddhist sects 96,130,000, Christian churches and groups 1,762,000, and other religious organizations 11,019,000. The reason why these figures exceed the total population is that it is possible for individuals to have been included in the totals of more than one religious organization.

II. GENERAL POLITICAL STRUCTURE

A. Political framework

24. The framework of Japanese politics has been formed on the basis of what is commonly known as the separation of legal, administrative and judicial powers, and on parliamentary democracy.

25. The Japanese Constitution proclaims that sovereign power resides with the people, and stipulates that the Diet shall be the highest organ of State power (art. 41), the executive power shall be vested in the Cabinet (art. 65) and the judicial power shall be vested in the courts (art. 76). For the relationship between the Diet and the Cabinet, a so-called parliamentary cabinet system has been adopted.

26. Based on the principles of autonomy of local public entities and autonomy of residents, the local public entities have independent authority separate from the central organs, particularly regarding administrative power (arts. 92-95).

27. Chapter 4 of the Constitution (arts. 41-64) stipulates provisions concerning the Diet, chapter 5 (arts. 65-75) for the Cabinet and chapter 6 (arts. 76-82) for the judiciary.

B. The legislature

28. The Diet consists of the House of Representatives and the House of Councillors, both of which consist of elected members, representatives of all the people (art. 42 and art. 43, para. 1).

29. The right to vote in elections has been equally granted to any Japanese national, both female and male, aged 20 years or over. Eligibility to become a member of the House of Representatives is granted to any Japanese national aged 25 years or over, while to become a member of the House of Councillors candidates must be aged 30 years or over.

30. The Constitution stipulates that the term of office of members of the House of Representatives shall be four years (however, the term shall be terminated before the full term is up in the case the House of Representatives is dissolved); whereas that of members of the House of Councillors shall be six years (election for half the members shall take place every three years) (arts. 45 and 46).

31. The number of seats in the House of Representatives is 480; 300 members are elected in accordance with the single-seat constituency system and the remaining 180 are elected according to the proportional representation system which divides the nation into 11 constituencies. For the House of Councillors, the number of seats is 242; 96 members are elected in accordance with the proportional representation system and the remaining 146 are elected by 47 prefectural constituencies.

C. The executive

32. The Cabinet consists of the Prime Minister and other ministers of State (art. 66, para. 1).

33. Under the current system, one office and 22 ministries and agencies have been established under the Cabinet (Prime Minister's Office, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Science and Culture, Ministry of Health and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of International Trade and Industry, Ministry of Transport, Ministry of Posts and Telecommunications, Ministry of Labour, Ministry of Construction, Ministry of Home Affairs, Management and Coordination Agency, Hokkaido Development Agency, Defence Agency, Economic Planning Agency, Science and Technology Agency, Environment Agency, Okinawa Development Agency, National Land Agency, National Public Safety Commission, Financial Reconstruction Commission). However, according to the Basic Law on the Administrative Reform of the Central Government, which was passed in 1998, those ministries and agencies are to be reorganized into one office and 12 ministries and agencies in 2001.

34. Also established have been the National Personnel Authority, Fair Trade Commission, Environmental Disputes Coordination Commission, National Bar Examination Administration Commission, Public Security Investigation Agency and two labour relations commissions.

35. Japan has adopted a civil service system, and in the national Government and local public entities civil servants handle administrative affairs.

D. The judiciary

36. Judicial power is entirely vested in the courts (art. 76, para. 1). According to the Constitution, all judges shall be independent in the exercise of their authority and shall be bound only by the Constitution and the laws (art. 76, para. 3). Judges shall not be removed except by public impeachment unless declared by a court to be mentally or physically incompetent to perform their official duties. No disciplinary action against judges shall be administered by any executive organ or agency (art. 78). The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted (art. 64). The appointment of judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of 10 years, and in the same manner thereafter. When the majority of the voters favours the dismissal of a judge, she/he shall be dismissed (art. 79, paras. 2, 3, and 4).

37. The system of courts includes the Supreme Court and lower courts (high courts, district courts, family courts and summary courts). The Supreme Court consists of a Chief Judge and 14 judges. A three-trial system has been adopted in principle, and a retrial may be carried out even after a trial has been carried out in cases where there are certain grounds provided by the laws. Also, as a rule, the trial shall be conducted, and judgement declared, publicly (art. 82, para. 1).

E. Local government

38. The Constitution stipulates that "Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy" (art. 92), and accordingly, the Local Autonomy Law was established in 1947.

39. Local public entities mainly include the 47 prefectures and 3,255 cities, towns and villages (as of 1988).

40. Each local public entity has an assembly and a chief executive officer (governor, mayor, etc.). An assembly consists of members elected by vote of residents, and its primary responsibility is to enact, amend or abolish ordinances within the laws, decide budgets and approve final accounts.

41. The chief executive officers of local public entities are also elected by vote of residents and they execute the affairs of the local public entities, including administration of ordinances, submission of bills and budgets to the assembly and establishment of regulations.

42. The local Autonomy Law provides for the local residents' right to make direct demands to the local public entities. Direct demands may be filed to call for the enactment, amendment or abolishment of ordinances, the auditing of affairs, the dissolution of the assembly, and the recall of assembly members or head of the local public entity.

III. GENERAL LEGAL FRAMEWORK FOR HUMAN RIGHTS PROTECTION

A. Authorities which have jurisdiction affecting human rights

1. The courts

43. In principle, the courts have the authority to judge all legal cases and to determine the constitutionality of any law, order, regulation or official act related to specific cases (art. 81).

44. On the other hand, no person shall be denied the right of access to the courts, and any person has the right to bring a lawsuit to the courts regarding civil or executive action. For criminal cases, punishment shall be determined only by the judgement of the courts (art. 32, etc.). Particularly for criminal cases, the accused shall enjoy the right to a speedy and public trial by an impartial tribunal (art. 37, para. 1).

45. Under such guarantees as the right to access to the courts, and by the exercise of the above-mentioned rights, the courts fulfil a role in ensuring the protection of fundamental human rights.

2. Human rights organs of the executive

46. The Civil Liberties Bureau of the Ministry of justice as well as the Regional Legal Affairs Bureau and the District Legal Affairs Bureau under the Civil Liberties Bureau are among the organs of the executive with jurisdiction in relation to human rights. In additional to these, civil liberties commissioners, appointed by the Minister of Justice, engage in human rights promotion activities in their cities, towns and villages nationwide. These human rights organs carry out various activities to protect and promote human rights.

47. Through various opportunities such as "Human Rights Week" human rights organs of the Ministry of Justice hold lectures and movie-showings on human rights, release public relations material through TV, newspapers and other mass media, as well as produce and distribute posters and pamphlets, so as to raise awareness of human rights among the people.

48. Moreover, regional/district legal affairs bureaux, staff and civil liberties commissioners provide human rights counselling services on a permanent basis in the bureaux as well as on a temporary basis in city, town or village offices, department stores, public halls, etc. Counselling services are provided free of charge and all information received in the course of counselling is kept strictly confidential.

49. In the event that a human rights organ recognizes a suspected infringement of human rights, it immediately conducts an investigation, treating it as a human rights infringement case, and examines whether or not the infringement actually took place. Subsequently, based on the results of the investigation, it takes appropriate measures and raises awareness of human rights among the people concerned, so that human rights can be protected.

50. Also, in order to guarantee in full the right of access to the courts to those who lack the financial resources to afford the legal expenses of civil lawsuits (including foreigners residing in Japan), the Civil Liberties Bureau has been granting subsidies to the Legal Aid Association, an incorporated foundation under the auspices of the Ministry of Justice since 1958, so that those people can get civil legal aid and legal counselling services.

51. Japan enacted the law of Promotion of Measures for Human Rights in December 1996, which provides for obligations of the State to promote measures for human rights protection. The Council for Human Rights Promotion established in the Ministry of Justice according to the aforementioned law submitted a report in July 1999 concerning "the basic issues for the comprehensive promotion of educational and promotional measures to strengthen public understanding of the concept of respect for human rights". The Council is continuing research and deliberations on "basic issues for the improvement of relief measure for the victims of human right infringement".

B. Redress available to an individual who claims that her/his human rights have been infringed

1. The judiciary

(a) Criminal procedure as a redress for human rights infringement

52. If an act of infringement of human rights corresponds to a crime, a person who has been injured by the crime may file a complaint and any person may lodge an accusation which requests law enforcement to prosecute the crime. Also, as an appeal in case of arrest or detention due to a suspected crime, a request may be made for disclosure of the grounds for detention, cancellation of detention, a quasi-Kokoku-appeal (an appeal against the decision of a judge) and a Kokoku-appeal (an appeal against the decision of the court) against the decision concerning the detention. In the case of a conviction, the convicted shall have the rights of appeal and may file a Koso-appeal (an appeal to an appellate court against the judgement (the decision of the court concerning the verdict and the sentence) of the ruling court) of a Jokoku-appeal (in principle an appeal up to the Supreme Court against the judgement of the appellate court) in accordance with the respective instance. Regarding decisions other than the judgement, the suspect or the accused may request a correction of the proceedings by filing a Kokoku-appeal, a quasi-Kokoku-appeal, or a special Kokoku-appeal (a special appeal to the Supreme Court claiming a violation of the Constitution and so forth). Even after the above-mentioned appeals have been exhausted in response to a conviction, the convicted person may request a retrial (all the above-mentioned procedures are provided for in the Code of Criminal Procedure). Regarding decisions of educative disciplinary measures involving juveniles, in accordance with the Juvenile Law the juvenile may appeal against the decision.

(b) Administrative litigation and civil lawsuits as redress for human rights infringement

53. In the case that the human rights violation is an action of an administrative agency, administrative litigation may be brought demanding cancellation of an administrative measure, or a lawsuit may be brought claiming redress from the State for the human rights violation. Also, in cases where the subject suffering a human rights infringement is an individual, a civil lawsuit demanding the cessation of the act of infringement or compensation for damages caused by the human rights infringement can be brought.

(c) Relief by the Protection of Personal Liberty Act

54. The Protection of Personal Liberty Act was enacted for the purpose of recovering speedily and easily by judicial trial the liberty of a person who has been unjustly violated. Those who are detained without adequate cause may claim relief to a high court or a district court. In addition, anyone may make an appeal on behalf of the detained person. A court may release the person, setting conditions or taking other measures in order to ensure that the person does not flee. If the court decides that the claim is justified, it shall release the detained person immediately. She/he may appeal against the judgement of the lower courts to the Supreme Court within three days.

2. Human rights organs of the executive

55. A person who has had her/his human rights violated may be provided with the necessary remedies by judicial organizations; in addition, she/he may file a complaint about the human rights violation with the human rights organs of the Ministry of Justice. On receiving such complaints, the human rights organs investigate to determine whether or not the alleged human rights violation has actually occurred. If they recognize, as a result of investigation, that an actual infringement took place, they take appropriate measures in accordance with each case. For example, they may urge the violator of human rights to stop the human rights infringement, or to improve the situation causing it, or warn the violator not to let the same situation happen in the future, or educate the violator about the significance of the fundamental human rights and make her/him aware of the necessity of respecting human rights. Although these measures are not binding, they aim at realizing a practical solution through simple procedures.

C. Protection and restriction of human rights by the Constitution

1. Protection of human rights by the Constitution

56. The Constitution provides that the fundamental human rights are "fruits of the age-old struggle of persons to be free" and "are conferred upon this and future generations in trust, to be held for all time inviolate" (art. 97), and "The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavour of the people" (art. 12).

57. With regard to equality, the Constitution stipulates that "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin" (art. 14, para. 1). In addition, it prohibits peers and peerage (art. 14, para. 2); guarantees universal suffrage (art. 15, para. 3) and individual dignity pertaining to the family and the essential equality of the sexes (art. 24); specifies the qualifications of members of both Houses and their electors (art. 44); and provides for the right to receive an equal education (art. 26, para. 1).

58. For the rights and freedoms, the Constitution stipulates freedom of thought and conscience (art. 19) and guarantees freedom of religion (art. 20) as well as academic freedom (art. 23). It also guarantees freedom of assembly and association as well as of speech, the press and all other forms of expression (art. 21, para. 1). For the right to liberty of person, it prohibits bondage and involuntary servitude (art. 18). No person shall be subjected to any criminal penalty except according to procedures established by law (art. 31), nor shall anyone be apprehended except upon warrant issued by a judge, unless she/he is apprehended while the offence is being committed (art. 33, etc.). The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon a warrant issued by a judge, or except as provided for by article 33 (art. 35, etc.). No person shall be arrested or detained without being at once informed of the charges against her/him or without the immediate privilege of counsel, nor shall she/he be detained without adequate cause (art. 34). The infliction of torture by any public officer and cruel punishments are absolutely prohibited (art. 36). The accused in all criminal cases shall enjoy the right to a speedy and public trial by

an impartial tribunal; be permitted full opportunity to examine all witnesses; have the right of compulsory process for obtaining witnesses on her/his behalf at public expense; and have the assistance of competent counsel (art. 37). Moreover, no person shall be compelled to testify against himself; confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence; and no person shall be convicted or punished in cases where the only proof against her/him is her/his own confession (art. 38, para. 1). No person shall be held criminally liable for an act which was lawful at the time it was committed, nor shall be placed in double jeopardy (art. 39).

59. The Constitution provides for every person's freedom to choose and change her/his residence and choose her/his occupation (art. 22, para. 1), property rights (art. 29, paras. 1 and 2), and freedom to move to a foreign country and divest herself/himself of her/his nationality (art. 22, para. 2).

60. All people shall have the right to maintain the minimum standards of wholesome and cultured living (art. 25, para. 1). In all spheres of life, the State shall endeavour to promote and extend social welfare, security and public health (art. 25, para. 2). Also, "All people shall have the right to receive an equal education correspondent to their ability (art. 26, para. 1), and "compulsory education shall be free" (art. 26, para. 2). The Constitution stipules the right to work and standards for wages, prohibits exploitation of children (art. 27) and guarantees the right of workers to organize and to bargain and act collectively (art. 28).

61. Every person may sue for redress as provided by law from the State or a public entity if she/he has suffered damage through the illegal act of any public official (art. 17). Any person acquitted after arrest or detention as a result of a criminal trial may sue the State for redress (art. 40). In the case of expropriation of land for the purpose of establishing social infrastructure, the people who suffer losses as a result of the activities of the State or local public entities may demand compensation (art. 29, para. 3).

62. The Constitution provides that "The people have the inalienable right to choose their public officials and to dismiss them," and guarantees universal adult suffrage and stipulates secrecy of the ballot (art. 15). The right to vote and the right to be elected by vote are as explained in sections II.B and II.E above. The Constitution stipulates the review of the Supreme Court judges by the people (art. 79, paras. 2, 3 and 4), the approval of residents of local public entities for the enactment of special laws (art. 95), and the approval of the people for amendments to the Constitution (art. 96). It also provides for the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendments of laws, ordinances or regulations and for other matters (art. 16). Demand for dissolution of the assembly of a local public entity and recall of assembly members or a chief executive officer is as explained in section II.E above.

63. Other than those mentioned above, the "human rights" referred to in various human rights treaties adhered to by Japan are guaranteed by various laws and regulations.

2. Restriction of human rights

64. Article 11 of the Constitution states that "The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights." Article 12 stipulates that "The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavour of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare," and article 13 provides that "All of the people shall be respected as individuals. Their rights to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs."

65. These articles imply that human rights are not eternal and inviolable, but may be restricted by their inherent nature so that conflicting fundamental human rights can be coordinated. For example, the punishment for infringing on other people's honour may restrict the freedom of expression, but it is inevitable if other people's honour is to be protected. This kind of restriction can be explained under the concept of "public welfare".

66. Therefore, there is no room for restriction under the concept of "public welfare" on all those human rights which bear no possibility of interfering with other people's rights. The freedom of inner thought and conscience (art. 19), for example, is interpreted to be absolute and no restrictions are permitted.

67. Furthermore, as to whether laws and regulations restricting human rights can be justified in light of the "public welfare", court precedents permit relatively broader discretion by the legislature in enacting laws and regulations which restrict economic liberties such as the freedom of business. On the other hand, they employ strict criteria in interpreting those laws which restrict freedom of thought, permitting the legislature little discretion.

68. The concept of "public welfare" has been thus defined by court precedents and depends on the inherent nature of each right, as the Constitution has no provisions articulating the "public welfare". There should therefore be no room for arbitrary use of the concept of "public welfare" by the State.

D. Human rights instruments as part of the national legal system

69. As provided for in article 98, paragraph 2, of the Constitution ("The treaties concluded by Japan and established laws of nations shall be faithfully observed."), treaties, including the human rights treaties, that were ratified by Japan and promulgated shall have legal effects as part of its internal law. The Constitution is the supreme law of Japan and it supersedes all treaties in domestic effect.

70. Whether or not to apply directly provisions of treaties should be judged in each specific situation, taking into consideration the purpose, meaning and wording of the provisions concerned.

E. Institutions or national machinery with responsibility for overseeing the implementation of human rights

71. The human rights organs of the Ministry of Justice gather information on human rights infringements. When they identify a suspected case of infringement they immediately conduct an investigation, regarding it as a human rights infringement case, and examine whether or not the suspected infringement actually took place. Subsequently, based on the results of the investigation, they take appropriate measures for each case and make the people concerned aware of the importance of human rights, so that protection of human rights can be ensured.

IV. INFORMATION AND PUBLICITY

72. Subjects relating to human rights have been introduced into the curriculum of training programmes for public officers, so that the concept of human rights treaties can be fully understood by them. In particular, for those officers whose duties are closely related to human rights issues, such as public prosecutors, police officers, officers of correctional institutions, immigration officers, probation officers and officers of regional legal affairs bureaux, training programmes focusing on various subjects concerning human rights treaties are provided.

73. Judges, public prosecutors or lawyers need to complete training programmes at the Legal Training and Research Institute before their appointment, and curricula containing human rights treaties are included in those programmes. In addition, after becoming judges, they continue to study themes relating to human rights treaties.

74. For teachers, training programmes focusing on various subjects concerning human rights treaties are provided.

75. Most of the publicly available law books contain the Japanese version of the human rights treaties that Japan has adhered to thus far, so people can easily obtain information on those treaties.

76. Both the Ministry of Justice and the Ministry of Foreign Affairs publish and distribute pamphlets on the human rights treaties Japan has adhered to. In addition, the latter has on its home page (http://www.mofa.go.jp/mofaj/gaiko/chikyu/jinken/) those human rights treaties as well as the government reports on the treaties and their background, which are also available in English (http://www.mofa.go.jp/policy/global/human/).

77. Some of the human rights treaties Japan has adhered to have been translated into various languages for the benefit of foreigners and other groups residing in Japan and distributed to prefectures and major cities designated by the Government, and to the ministries and agencies concerned.

78. With regard to the Convention on the Elimination of All Forms of Discrimination against Women, the Prime Minister's Office has prepared leaflets and posters on the Convention and distributed them to prefectures and various women's organizations. Also, the Office for Gender Equality of the Prime Minster's Office provides information on the Convention on its home page (http://www.sorifu.go.jp/danjyo/).

79. The Government has fully recognized the importance of various grass-roots activities relating to human rights treaties and during the process of the preparation of the government reports on the human rights treaties, the Government gathers public opinion by holding meetings with NGOs, etc.

80. In the preparation of the government reports, the ministries and agencies concerned make the necessary preparations on the issues with which they are concerned, and the Ministry of Foreign Affairs incorporates them into a report and submits it to the Secretary-General of the United Nations and other relevant organizations.

81. The government reports are published on the Ministry of Foreign Affairs home page and in addition are distributed to the members of Parliament as well as to people who are interested in them and to NGOs. The reports are also published in newspapers and in NGO magazines.